

Quarterly of the California Historical Society

CONTENTS

	PAGE
The International Boundary Survey from San Diego to the Gila River, 1849-50.....	3
Lewis B. Lesley	
The Rise and Fall of the "Know Nothings" in California.....	16
Peyton Hurt	
"California's Bantam Cock"— The Journals of Charles E. De Long, 1854-1863.....	50
(Continued)	
Edited by Carl I. Wheat	
Documentary — The Frémont Episode.....	81
(Continued from Vol. VIII, No. 1)	
Reviews and Notices.....	87
New Members.....	89
Meetings of the Society.....	90
In Memoriam.....	94

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PLATE No. 1

Plan of the Port of San Diego, made by Don Juan Pantoja, 1782, and referred to in Article V of the Treaty of Guadalupe Hidalgo.

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THE INTERNATIONAL BOUNDARY SURVEY FROM SAN DIEGO TO THE GILA RIVER, 1849-1850

According to the terms specified in Article V of the Treaty of Guadalupe Hidalgo, which had been signed on February 2, 1848, the governments of the United States and Mexico were each to appoint a Commissioner and a Surveyor "who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte."¹ The boundary had been agreed upon to run up the Rio Grande to a point where that river "strikes the southern boundary of New Mexico," thence westward to the first branch of the Gila River and along that branch to the main stream and down the Gila until it empties into the Colorado, "following the division line between Upper and Lower California, to the Pacific Ocean."

Further, stated this Article, "in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the Pacific Ocean, distant one marine league due South of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782, by Don Juan Pantoja, second sailing master of the Spanish fleet, and published at Madrid in the year 1802, in the Atlas to the voyage of the schooners *Sutil* and *Mexicana*, of which plan a copy is hereunto added, signed and sealed by the respective plenipotentiaries." (See Plate No. 1.)

On March 10, 1848, the Senate of the United States ratified the treaty, and on May 30, the Mexican Senate did the same. The treaty was duly proclaimed by President Polk on July 4, 1848.² Two days after the proclamation Polk sent a request to the House of Representatives for appropriations to cover certain financial demands of the treaty, particularly in reference to Article V concerning the appointment of a Boundary Commission as well as financial support for the same. "It will be necessary," said Polk, "that provision should be made by law for the appointment of a commissioner and a surveyor on the part of the United States."³ The Senate passed such a bill providing for the Commission, but as

¹ W. M. Malloy, *Treaties, Conventions, International Acts, and Agreements, between the United States of America and other powers, 1776-1909*. Washington, 1910. 2v. I, pp. 1109-11.

² J. F. Rippey, *The United States and Mexico*. New York, 1926. p. 106.

³ *Congressional Globe*, 30 Congress, 1 Session, pp. 901-02.

it was introduced into the House only three days before the end of the session, it remained in the hands of the Committee on Foreign Affairs."⁴

However, in the general appropriation bill, passed by the same Congress, \$50,000 was provided in order to defray the expenses of the Boundary Commission, and Polk immediately proceeded to the task of making appointments to the Commission, a procedure which the President's enemies declared was illegal due to the fact that Congress had as yet made no provision "by law" for the appointments themselves.⁵

The position of Commissioner for the United States was offered to Lieutenant William H. Emory, whose knowledge of the country involved in the contemplated survey admirably fitted him for such a position. Emory felt forced to decline the appointment because of the stipulation attached to the offer stating that he would have to resign his post in the army. Polk then appointed Colonel John B. Weller, of Ohio, as Commissioner⁶ and designated Lieutenant Emory as Chief Astronomer of the expedition, retaining his rank in the Topographical Corps.⁷ Andrew B. Gray, a man familiar with the southwest and especially interested in the country between San Diego and the Gila River, was given the position of Surveyor.⁸ Mexico chose as its representative the well-known General Pedro Garcia Condé, as Commissioner, and José Salazar Ilarequi, as Surveyor.

In order to allow plenty of time for the American Commissioner and his party to make the trip to San Diego by May 30, 1849, the date set by the treaty, instructions were forwarded to Weller by Secretary of State Buchanan on January 24, and February 13, 1849.⁹ The duties of the Commission were specifically outlined and no doubt was left as to the task before the group:

This article (V) places you in a highly responsible position; because it declares that the boundary line between the two republics which shall be run and marked by the joint commission shall be deemed a part of the treaty "and shall have the same force as if it were inserted therein." The action of the commission, therefore, will be final and conclusive.

The instructions also enclosed a copy of the treaty and a certified copy of the Don Juan Pantoja map of 1782 "which," further stated the instructions, "appears to fix precisely what is the southern limit of the port of San Diego. . . . The middle of the Rio Gila, where it unites with the Colorado, being a natural object, there can be but little difficulty in ascertaining this point."¹⁰

No time was to be lost in starting on the long journey and by early March,

⁴ *Ibid.*, p. 1064. "Mr. Stephens moved to refer the bill to the Committee on Foreign Relations. Yeas 78, nays 72." This was on August 11, 1848.

⁵ J. F. Rippey, *op cit.*, p. 107.

⁶ Colonel Weller had resigned from the army.

⁷ *House Executive Documents* (861), 34 Congress, 1 Session, No. 135, I, p. 1. Lieutenant Emory had accompanied Kearny and the "Army of the West" from Fort Leavenworth to San Diego during 1845 and 1846 and had written an account of the topography of the region in his famous *Notes of a Military Reconnaissance from Fort Leavenworth, in Missouri, to San Diego, in California*. . . . Published in Washington, Government Printing Office, 1848. Emory's account for many years served as a guide book for emigrants going to California via the Gila route.

⁸ Gray afterward became a Major-General in the Confederate army.

⁹ *Senate Executive Documents* (558), 31 Congress, 1 Session, X, No. 34, pp. 2-6.

¹⁰ *Ibid.*, p. 4.

1849, most of the party had arrived at Panama where they had expected to take boat at once for San Diego. But just at this time an unexpected obstacle had arisen to impede the progress of the Boundary Commission: gold had been discovered in California earlier in the year and Panama was full and overflowing with people of every description who vainly sought transportation to San Francisco. Emory estimated that there were at least 4,000 persons congregated at Panama awaiting passage northward.¹¹ And there rested Weller and his party of thirty-seven in the midst of all the confusion of the port, anxious to be on their way but unable to secure transportation of any kind. On March 27, 1849, Weller wrote to the American Consul at Panama, William Nelson, begging that gentlemen to do something at once for the party, and even threatening that if the Commission did not reach San Diego on time hostilities might break out again between the United States and Mexico. But even this threat brought no relief to the expedition.¹²

All during April Weller waited patiently for a solution to the problem of transportation. Finally about the middle of May the small steamer *Panama* appeared at the port. This was the boat upon which Emory had shipped the heaviest of the astronomical instruments in charge of Captain Hardcastle of the Topographical Engineers. Aspinwall and Company, agents for the line, refused to take more than ten members of Weller's party on board the *Panama* and arranged for the remainder to go north on the *Oregon* and one other boat.¹³ The sojourn at Panama had caused the expenses of the Commission to mount at a most alarming rate and Weller was only too glad to leave the New Granada town behind him as soon as possible.

It was not until June 1, that the American party reached San Diego, and after all of their trouble in order to get there on time they were surprised to find that the Mexican Commission had not as yet put in an appearance nor had any word been received from them.¹⁴ Condé and his party left Mexico City on April 18, and, meeting with one delay after another, did not arrive in San Diego until July 3.¹⁵

Meanwhile a new administration had come into office in Washington headed by President Taylor who appointed John M. Clayton as Secretary of State to succeed Buchanan. It will be recalled that both Weller and Gray had received their appointments from President Polk. The Democratic Senate had confirmed Polk's appointments but in the next session of Congress the Whigs held the whip hand and made an attempt to nullify what Polk had done.

On February 28, 1849, an amendment to the original bill for the creation of the Commission was introduced into the House declaring that Polk's appointments were illegal and further providing that the President should select mem-

¹¹ *H. Ex. Docs.* (861) 34 Cong., 1 Sess., No. 135, I, p. 2.

¹² *S. Ex. Docs.* (558), 31 Cong., 1 Sess., X, No. 34, p. 8. Weller to Nelson, Panama.

¹³ *Ibid.*, p. 8. Weller to Captain Stout of Aspinwall and Company, Panama, May 14, 1849.

¹⁴ *Ibid.*, p. 27. Weller to Secretary of State John M. Clayton, San Diego, June 16, 1849.

¹⁵ *S. Ex. Docs.* (626), 32 Cong., 1 Sess., No. 119, p. 57.

bers of the Commission only from the Topographical Corps.¹⁶ Another amendment provided "that no part of the money appropriated by this act, or by any previous act of Congress, shall be used to pay the salary of any commissioner or surveyor, or other officer or person to adjust the boundary line between the United States and Mexico, when the appointment of such commissioner or surveyor, or other officer or person, was made without authority of law."¹⁷

Both of these amendments passed the House but the bill was rejected by the Senate as amended on March 3, 1849, and the bill was put on the table.¹⁸ Thus matters rested when Clayton became Secretary of State in March. On the fifteenth of that month Clayton sent his first communication to Weller, and this letter was but the opening shot in a political battle which nearly resulted in the disruption of the work of the Boundary Survey. The letter was awaiting Weller When he arrived in San Diego in June, 1849.

I have to inform you that Congress, at its late session, omitted to pass any act prescribing the amounts of the salaries of the civilians attached to the commission of which you are the head. Consequently, until this omission be remedied, compensation for your services as commissioner, and for those of Mr. Gray as surveyor, cannot be lawfully paid; and no charge for salary, on the part of either of you, can properly form an item in the statement of your account to the Treasury. It will, therefore, be necessary, in any drafts which you may have occasion to make on this department for the purpose of carrying your instructions into effect, to make them, on their face, chargeable solely to the appropriation for the "*expenses of running and marking the boundary between the United States and Mexico*"—leaving the salaries to be settled at some future day by Congress.¹⁹

Weller and his party set up their camp near Punta de los Muertos on the site of what later became New Town and the joint commissions held their first meeting in Weller's quarters on July 6, 1849, and arrangements were made for individual surveys by the two parties. The first task to be undertaken was that of ascertaining the initial point in the boundary on the Pacific.²⁰

Lieutenant Emory established his observatory near the southeast end of the bay and named it Camp Riley in honor of the General then commanding in California. From this observatory, results were carried by triangulation to the initial point on the Pacific in order to determine its latitude and longitude after the work of the surveyors should be completed.²¹ The Surveyor, A. B. Gray, and three others, were employed in the survey of the south part of the bay in order that the initial point of the boundary might be ascertained beyond any doubt, and Gray did his work thoroughly for he surveyed the entire bay at that time.²² (See Plate No. 2.) Lieutenant A. W. Whipple, was put in charge of a party to determine the eastern extremity of the boundary line, that is, at the junction of the Gila and Colorado rivers. Captain E. L. F. Hardcastle was sent out with a detachment "to reconnoitre the country, gain a knowledge of the

¹⁶ *Cong. Globe*, 30 Cong., 2 Sess., p. 617.

¹⁷ *Ibid.*, p. 617. Motion put by Mr. Schenck.

¹⁸ *Ibid.*, p. 623. The House passed the amended bill on February 28, 1849. For the Senate action of March 3, 1849, see *ibid.*, p. 666.

¹⁹ *S. Ex. Docs.* (558), 31 Cong., 1 Sess., No. 34, p. 7.

²⁰ *S. Ex. Docs.* (626), 32 Cong., 1 Sess., No. 119, pp. 56-58.

²¹ *S. Ex. Docs.* (558), 31 Cong., 1 Sess., No. 34, p. 30. Weller to Clayton, San Diego, October 5, 1849.

²² Gray prepared a map which was published at the end of *ibid.*

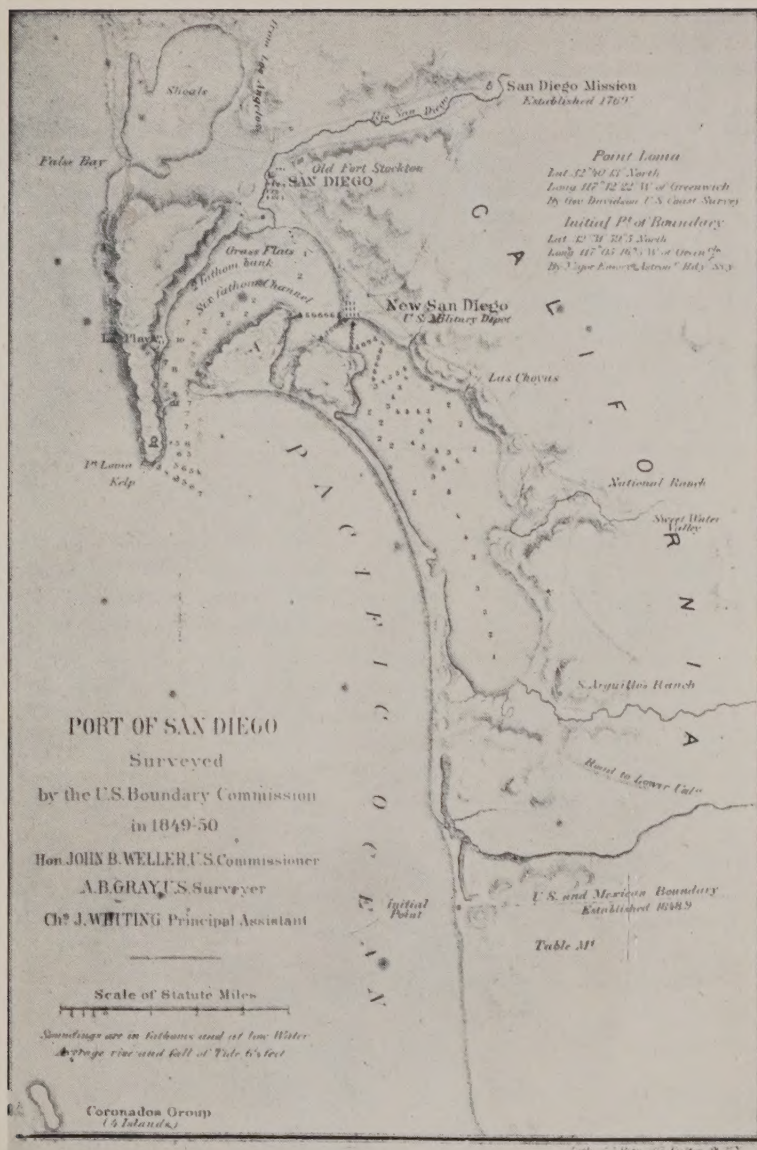


PLATE No. 2

Survey of the port of San Diego by A. B. Gray, 1849-1850.
 From S. Ex. Docs. 558, 31 Cong., 1 Sess., No. 34.

topography, and select elevated points by which the extremities of the line, or the two observatories in charge of Lieutenant Whipple and Lieutenant Emory, could be connected in longitude by flashes of gunpowder.²³

Weller in the meantime found it necessary to make a trip to Monterey in order to plead with General Riley for money enough to continue the work of the Commission until further funds should be forthcoming from Washington.²⁴ On August 14, 1849, Weller boarded the *Panama* for the north and found two interesting traveling companions, Bayard Taylor, the well-known author, and Lieutenant Edward F. Beale.²⁵ The latter gentleman, such was the irony of fate, was the bearer of two important letters from the Department of State to John C. Frémont both of which concerned the future of the Boundary Commission.

The letters in Beale's possession, dated June 20 and 28, 1849, were to notify Frémont that he had been appointed to the position of Commissioner in place of Weller and asking him to repair as soon as possible to San Diego in order to assume his new duties.²⁶ In one of these letters there was an enclosure addressed to Weller notifying him that as he had failed to forward vouchers for each itemized expenditure of the Commission it would be necessary to suspend the payments on his drafts. This note also informed Weller of Frémont's appointment as his successor.²⁷ However, Clayton, in the letter in which the note addressed to Weller was enclosed, admonished Frémont not to deliver the note to Weller unless Frémont not only accepted the position but actually took up the work of Commissioner at San Diego.²⁸ All of this was but another example of the part played by Washington politics in the important work of the Commission appointed to run an international boundary line.

Lieutenant Beale disembarked at Monterey in order to inform Riley of Frémont's appointment and also to carry the letters to Frémont who was then at San José. Weller, at the last moment, decided to remain on the *Panama* and go on to San Francisco to try his luck there at raising the needed funds.²⁹ Beale found Frémont at San José and delivered the letters to him. We will let Frémont tell the story of his acceptance:

I regarded the commission as a disavowal on the part of the President of the proceedings recently held against me. Respect to the President, together with a full appreciation of the consideration which had induced him to make the appointment, did not, in my judgment, permit me to decline, and I accordingly accepted the commission, with the intention which I then expressed to Mr. Beale and others, shortly afterwards to resign.³⁰

²³ *H. Ex. Docs.* (861), 34 Cong., 1 Sess., No. 135, I, p. 4.

²⁴ *Cong. Globe*, 31 Cong., 2 Sess., p. 80.

²⁵ Bayard Taylor, *Eldorado, or, Adventures in the Path of Empire*. New York, 1850. 2v. I, p. 46.

²⁶ Frémont, just prior to this time, had been before the public quite prominently due to his court-martial at the hands of the previous administration in Washington. The trial had been the result of a long-standing quarrel between Frémont and Kearny. News of his new appointment came, therefore, as a distinct and pleasant surprise to Frémont, as we shall see later.

²⁷ *S. Ex. Docs.* (558), 31 Cong., 1 Sess., No. 34, p. 9. Clayton to Weller, June 26, 1849.

²⁸ *Ibid.*, p. 10. Clayton to Frémont.

²⁹ *Cong. Globe*, 31 Cong., 2 Sess., p. 80; see also, B. Taylor, *op cit.*, I, p. 51.

³⁰ Jessie Benton Frémont MS., in Bancroft Library, University of California, p. 115. Frémont to Major J. R. Snyder, San Francisco, December 11, 1849.

In his letter of acceptance, addressed to Secretary of State Clayton, Frémont said:

Colonel Weller is now in San Francisco, having just arrived from the south. His reports of the actual state of the survey will probably suggest instructions for me. I will see him within a few days, and, after having made myself acquainted with the condition of the work, shall be able to communicate understandingly with the department.³¹

Frémont went at once to San Francisco but found that Weller had departed for Monterey as his mission had failed in San Francisco and he hoped that General Riley would be able to advance the money to him out of the army appropriation used to run the presidio. Riley refused Weller's request. Shortly after this Frémont arrived in Monterey and told Weller of the new arrangement concerning the appointment but did not show him the enclosure, thus following out Clayton's instructions.³²

Here at last was someone to whom Weller could unburden his troubles and he gave such a graphic account of the desperate state of the Commission that Frémont agreed to advance \$10,000 on Weller's draft. Frémont was amazed at the news of the real condition of affairs in the Commission and even if he had not already made up his mind to resign from his new position this rehearsal of conditions by Weller could leave no doubt in his mind. Soon after this Frémont went to San Francisco, wrote a letter to Washington resigning his appointment, and returned to Monterey with the money for Weller.³³ Thus Weller never received the letter officially notifying him of his removal and returned to San Diego as still the head of the Commission, in which he was to remain until the political machine in Washington could pick another successor.

Speaking of the state of affairs in the Commission at San Diego during the time he was in Monterey, Weller wrote:

At the time it (Frémont's advance of \$10,000) was placed in my hands I had not a dollar with which to pay the employés, or even defray the necessary expenses of the commission. Without the proceeds of that draft the work would have been suspended, the American commission driven from the field, and the employés left at San Diego without the means to subsist or get away.³⁴

As an aftermath of the above-mentioned episode it is interesting to note that the Secretary of State refused to honor Weller's draft for the \$10,000 when it was sent on to Washington. The draft was therefore returned to San Francisco where the bankers pressed Weller for payment and, by March 1, 1850, they had seized his private funds and private property with which to partially reimburse

³¹ *S. Ex. Docs.* (558), 31 Cong., 1 Sess., No. 34, p. 28. San José, California, August, 1849.

³² *Cong. Globe*, 31 Cong., 2 Sess., p. 80.

³³ Jessie Benton Frémont MS., p. 115. In closing his letter about the Weller affair, Frémont wrote: "This is a brief statement of the course I have pursued. It was dictated altogether by a disposition to promote the interests of Colonel Weller, and to make my concern in his removal as little unpleasant as possible. The office was never sought after by me, nor expected by me, and never sought or expected by any of my friends for me." *Ibid.*, p. 116.

For other brief accounts of the episode, see F. S. Dellenbaugh, *Frémont and '49*, New York, 1914, pp. 416-17; H. Bashford and H. Wagner, *A Man Unafraid*, San Francisco, 1917, pp. 316-317; and *S. Ex. Docs.* (832), 34 Cong., 1 Sess., XX, Pt. 1, No. 108, p. 5.

³⁴ *S. Ex. Docs.* (626), 32 Cong., 1 Sess. No. 119, p. 75. Weller to Secretary of the Interior Thomas Ewing, San Francisco, March 1, 1850. Weller later became a Senator from California and Governor of the State.

their loss. On March 1, Weller, having been relieved of his position as Commissioner, wrote to the Secretary of the Interior, Thomas Ewing:

"I am not only deprived of my compensation for services rendered, at a great pecuniary sacrifice, but my private funds have been seized to cover protested drafts, the proceeds of which have gone to the benefit of the government."³⁵

During Weller's absence in Monterey and San Francisco Lieutenant Emory carried on the executive work of the Commission at San Diego in addition to his astronomical observations and computations. The Mexican Commissioner and his party proved of practically no help for their instruments were defective to the extreme, although the men themselves were well educated and splendidly trained. But there was a greater trouble awaiting the Commission, a danger which Emory had feared from the start. When the American expedition arrived in San Diego in June, 1849, the quiet little Old Town of San Diego had, up to that time, been but little disturbed by the news of the discovery of gold in the northern part of the State. Emory knew, however, that quiet would no longer reign once news arrived of the rush of people from the Atlantic side of the country to the gold fields and that neither the enlisted men or laborers of the Survey could be kept in San Diego once the rush should commence. And just before the return of Weller the storm broke. We shall let Emory describe the scene:

Intelligence reached our hitherto quiet and secluded camp, of the successful accumulation of wealth by many who had gone to the gold region without a dollar in their pockets. News came, too, that was afterwards confirmed, that Colonel Weller's drafts had been protested, his disbursements repudiated, and himself denounced as a defaulter; when, at that very time, as the settlement of his accounts afterwards showed, he was in advance to the government.

The wages of common laborers employed at the port of San Diego suddenly rose to \$150 per month, and of carpenters to \$10 per day. Subsistence of every kind rose in proportion; the soldiers' rations from 20 cents to \$1.50 per day. Our people had not been paid for some time, and we were without a dollar. This seemed more than poor human nature could bear, and one by one our force dropped off, until but four or five of the civil employés remained. . . . I find no fault with any gentlemen in civil life who left the commission at this time. . . . As it was, I am not prepared to say that one left the commission without receiving and deserving an honorable discharge, and not a single member ever deserted the commission. I was at this time in a position of extreme embarrassment. It was a critical period in the progress of the work. All the preliminary steps had been taken; the observations nearly completed at one end of the line, and the party designed for the mouth of the Gila ready to start; the commissioner absent; without a dollar in my pocket; the commission dishonored at home, and without credit in the field. In this dilemma I did not hesitate to take the responsibility of using the military power in my hands to keep the work from being abandoned.³⁶

On September 15, Lieutenant Emory sent a letter to Clayton in which, in order to show his indignity at the "outrage inflicted on the commission by withholding funds, and attempting to place at its head persons under influences avowedly hostile," he tendered his resignation from the Commission to take effect as soon as he had completed the determination of the astronomical line of the boundary to the Gila River.³⁷

³⁵ *Ibid.*, p. 76.

³⁶ *H. Ex. Docs.* (861), 34 Cong., 1 Sess., No. 135, I, pp. 5-6.

³⁷ *S. Ex. Docs.* (558), 31 Cong., 1 Sess., No. 34, pp. 28-29. Camp Riley, San Diego Bay, California.

Meanwhile, Lieutenant Whipple was working at the mouth of the Gila determining the latitude and longitude there. Captain Hardcastle was in the mountains west of the desert. By October 4, 1849, after the return of Weller, Mr. Gray, the Surveyor of the American Commission, reported that the initial point on the Pacific of "one marine league due south of the southernmost point of the port of San Diego," had been ascertained in conjunction with the Mexican Surveyor.³⁸ The parallel from which the surveyors measured the marine league "was that of the highest point at which indications were noticed of the overflow of salt water, or the water of the port." The marine league was measured at 5,564.6 metres, that is, about $3\frac{1}{2}$ miles. Lieutenant Emory certified the initial point as in north latitude $32^{\circ} 31' 59''$ and in longitude 7h. 48 min. 21.1 west of Greenwich.

The joint commissions met and after a careful examination of the ground and the surveys fixed and determined the initial point on October 10, 1849. "In the presence of many witnesses" the declaration of the commissions was placed in a hermetically sealed bottle and deposited in the ground. A temporary monument was erected later.³⁹

On October 12, Weller ordered Gray and his surveying party to make their way to the mouth of the Gila River in order to determine the point at which that river empties into the Colorado.⁴⁰ Gray came down into the desert from the mountains over a trail approximating as nearly as possible the route of the international boundary line. There, near the base of the mountains, he found a detachment of soldiers encamped under the command of Colonel Collier. The entire detachment was in a condition of semi-starvation and unable to decide whether or not to go on to San Diego as their horses were nearly exhausted and the party did not know the way to the coast. Gray finally decided personally to guide the detachment to San Diego by the route over which the surveying group had come. He therefore directed his assistant, J. H. Forster, to continue on to the Gila and to make the survey there as well as to reconnoitre the intervening country. The excuse given by Gray for not sending his assistant back to San Diego with the distressed party and himself continuing on to the Gila in accordance with Weller's instructions was as follows:

The officer commanding the company of dragoons and others came to my camp to obtain from me any information in my power to give relative to the country we had gone over. I showed my rough notes and sketches, but did not advise, under the circumstances, their going by this pass. They, however, decided to attempt it, believing it almost impossible for them to reach San Diego by the wagon-road route in safety to their animals, etc.; and, at their earnest solicitation, I agreed to return to guide them in. I felt it my duty to do so, although I was particularly desirous to reach the mouth of the Gila. . . .

I would not send my assistant back to guide this party, because I wished to be there myself, in case of any accident or obstacle occurring, it being the first time that I believed its ascent had ever been attempted with packs, etc.⁴¹

Gray returned to San Diego early in November. Weller severely criticized

³⁸ *Ibid.*, p. 29. Gray to Weller, San Diego, October 4, 1849.

³⁹ *S. Ex. Docs.* (626), 32 Cong., 1 Sess., No. 119, p. 59.

⁴⁰ *S. Ex. Docs.* (558), 31 Cong., 1 Sess., No. 34, p. 32. Weller to Clayton, San Diego, November 3, 1849.

⁴¹ *Ibid.*, pp. 45-46. Gray to Weller, San Diego, November 7, 1849.

S. K. R. Doc. N° 34
1st Ser. 11th Con.

PLAN of the Junction of the COLORADO AND GILA RIVERS

as referred to by U. S. Surveyor
in communication to
Commissioner
Nov 14th 1849

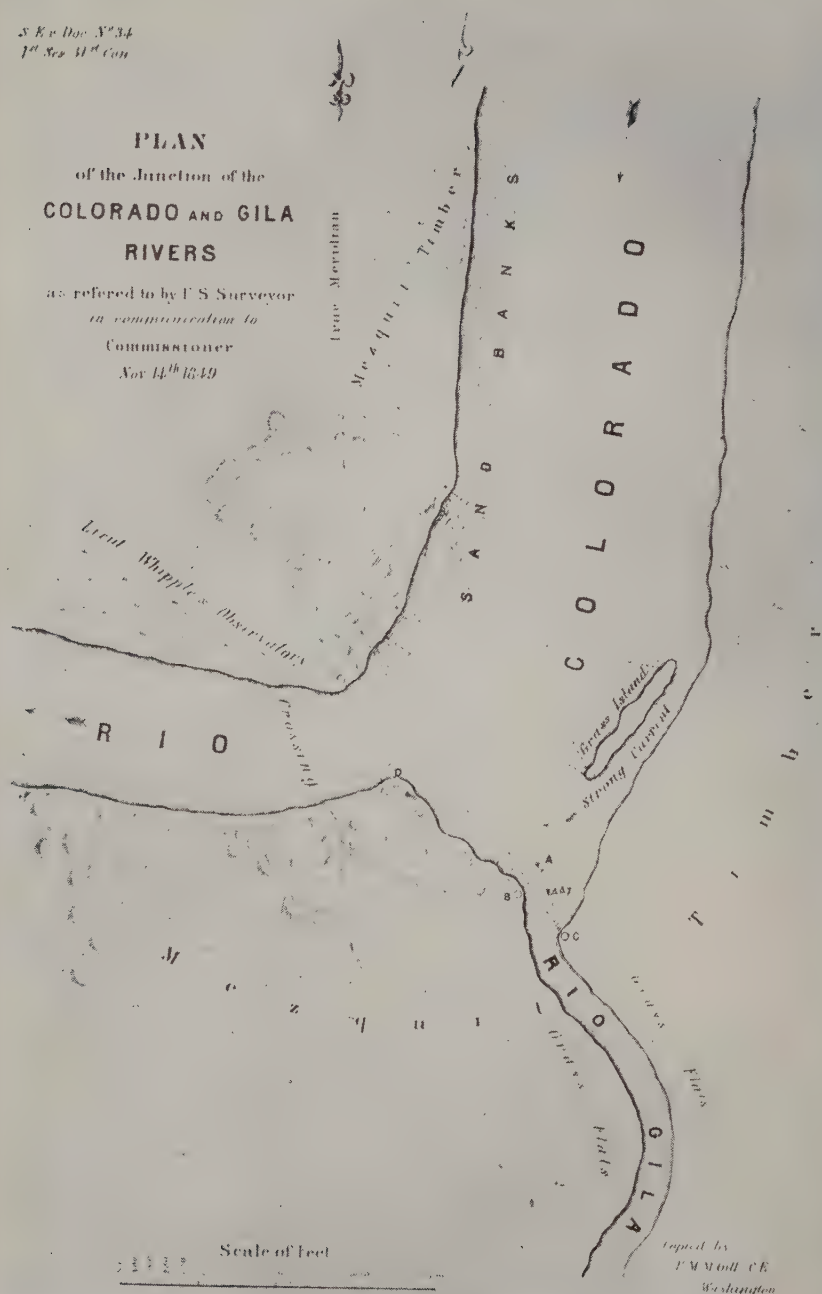


PLATE No. 3

Plan presented by Gray to illustrate the junction of the Colorado and Gila rivers,
November 14, 1849.

him for returning without making a personal examination of the mouth of the river, implying that the work of Forster could hardly be accepted as an adequate substitute. However, Forster made such an excellent report, aided by Gray, that it was accepted by Weller as an accurate representation of the mouth of the river. Lieutenant Whipple had helped a great deal with the survey at the Gila.⁴²

The work of the three men was admirably summed up by the American Surveyor in his report of November 14, 1894, and this report, studied in conjunction with the map sketch accompanying it, reveals some interesting sidelights involved in the survey at the Gila.

In his instructions to Gray, Weller had stated that there would be no difficulty in ascertaining the precise point at which the Gila empties into the Colorado. First of all in his report, Gray pointed out that the matter of "the precise point" was not as simple as outlined by Weller. Gray had discovered that the Colorado River flows northwest for a distance after the junction with the Gila and then flows south, which meant that a line drawn in exact compliance with Article V of the Treaty of Guadalupe-Hidalgo would not strike the Colorado until many miles from the junction of the two rivers. When it came to ascertaining the exact point of "the middle of the Gila river where it unites with the Colorado," that, too, was no simple matter. In explanation Gray, illustrating his argument with his specially prepared "Plan of the Junction of the Colorado and Gila Rivers" (See Plate No. 3), showed that B and C were points to be considered as ends of the banks forming the Gila at its embouchure into the Colorado, and A marked the position where the two waters mingled, i.e., very nearly where the middle of the Gila unites with the Colorado. The land at B was reported as wearing away by the action of the currents, and consequently the position of B was subject to change; D was probably the end of the southern bank of the river.

Therefore, if it was decided that the point where the middle of the Gila unites with the Colorado was at A, the boundary line would probably fall south of the bluffs and thus include in the United States both sides of the Colorado at what was then the emigrant crossing. "These elevated heights," reported Gray, "may be considered important, not only in a civil, but military point of view."

Weller, desirous of settling this matter as soon as possible, sent word to the Mexican Surveyor, Salazar, who was at the mouth of the Gila, asking him to settle with Lieutenant Whipple, who was at the same place, the exact point of the middle of the Gila.⁴³ Salazar acquiesced at once and began his work with Whipple on November 30. As Whipple had previously worked out the survey Salazar agreed with him on the point in question, namely, that it should be located at A as shown on Gray's Plan. This agreement was signed on the same day in the presence of General Condé, the Mexican Commissioner.⁴⁴ (See Plate

⁴² *Ibid.*, pp. 47-49. Gray to Weller and Weller to Gray, San Diego, November 8, 9 and 14, 1849.

⁴³ *Ibid.*, p. 33. Whipple to Salazar, Mouth of the Gila, November 29, 1849.

⁴⁴ *Ibid.*, pp. 37-38.

No. 4). Thus did the United States come into possession of a part of the right bank of the Colorado, a strip about ten miles in width, which had not been calculated upon prior to the survey. The point "in the middle of the Gila river" was decided upon as north latitude $32^{\circ} 43' 32''$, and 7 hr. 38 min. west of Greenwich meridian.⁴⁵

At the time the agreement was made at the Gila River junction Condé sent a message to Weller asking the American to send a party eastward to mark off the boundary line while he, Condé, would work on the line from the Gila River westward. This work, stated Condé, would require but a small party from each side and the Joint Commission could thus entrust the work to subordinates and make plans for running the boundary between the Rio Grande and the Gila rivers.⁴⁶

Meanwhile not a word had been received from Washington by either Weller or Emory. Not a penny of salary had been received by Weller or Gray since the time the Commission took up its work in the west. By January 3, 1850, with salaries of over \$11,000 also due his employees, Weller wrote to Clayton that work on the boundary marking would have to cease very soon. The \$50,000 appropriated by Congress on August 12, 1848, had long since melted away into the heavy outlay of the Commission.⁴⁷ Weller decided that an adjournment of the Commission should take place as soon as he could get into touch with General Condé. Said Weller at this time in his communication to Secretary of State Clayton:

It is hard, indeed, that gentlemen who have served the government faithfully, at rates less than one-half those paid to other employés in this country, should now be left destitute, six thousand miles from their homes. I can neither pay them their just dues nor transport them home.⁴⁸

Clayton had meanwhile written to Lieutenant Emory asking him to remain at his post as Chief Astronomer to the Commission, duly flattering Emory as to his "claims and peculiar aptitude for that service." A resignation from the Commission seemed to be out of the question.⁴⁹ Early in December, 1849, jurisdiction over the work of the Boundary Survey was transferred from the Department of State to the Department of the Interior, and one of the first acts of Thomas Ewing, Secretary of the Interior, was to send a letter to Weller informing the Commissioner that his services were no longer required.⁵⁰ Weller was to turn over to Lieutenant Emory all books, papers and other property belonging to the Commission, and Emory was put in temporary charge until a successor to Weller could be appointed. Both Weller and Emory received this news early in February, 1850.

⁴⁵ *S. Ex. Docs.* (626), 32 Cong., 1 Sess., No. 119, p. 60. Later, by the Gadsden Purchase, in 1853, the line was dropped south down the Colorado River "twenty English miles."

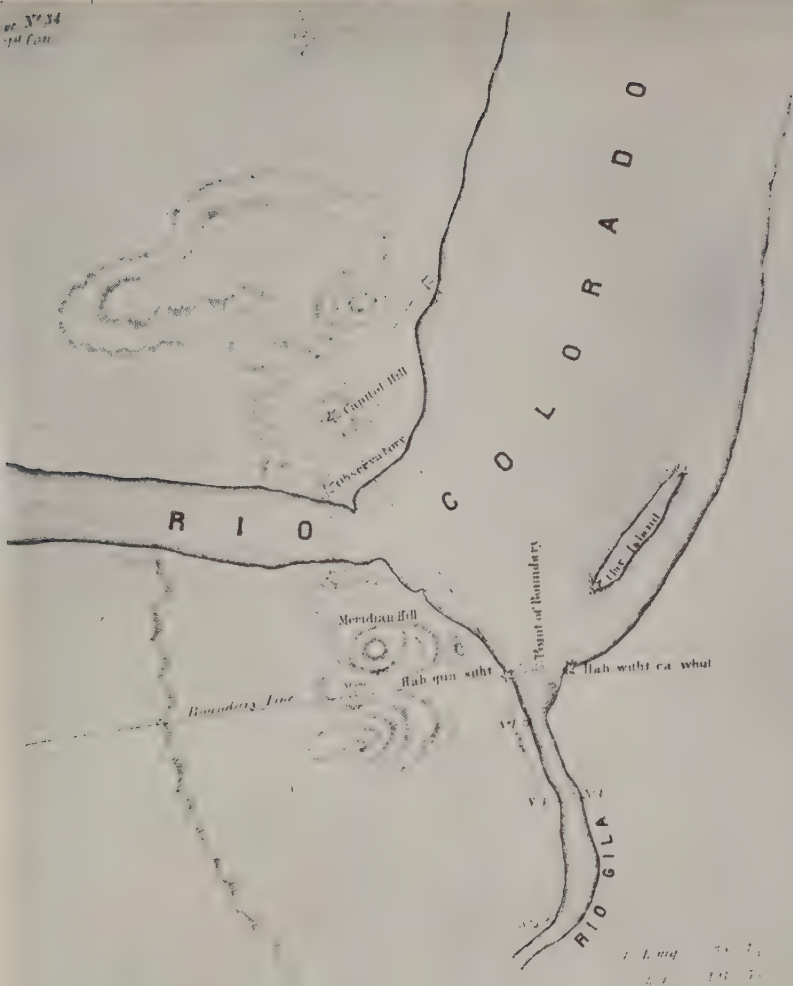
⁴⁶ *S. Ex. Docs.* (558), 31 Cong., 1 Sess., No. 34, p. 34. Whipple to Emory, San Diego, December 15, 1849. See also, *Ibid.*, p. 36, the letter from Emory to Weller, Camp Riley, December 16, 1849.

⁴⁷ *Ibid.*, pp. 38-39. Weller to Clayton.

⁴⁸ *Ibid.*, p. 38.

⁴⁹ *H. Ex. Docs.* (861), 34 Cong., 1 Sess., No. 135, I, p. 7. Clayton to Emory, Washington, November 21 and 28, 1849.

⁵⁰ *S. Ex. Docs.* (558), 31 Cong., 1 Sess., No. 34, p. 15. Washington, December 19, 1849.



Certify that the above is an every
 accurate particular & true Copy of the
 Original Sketch referred to in the above
 and signed by Mr Salazar and myself on
 the 2nd Nov 1880 regarding the point where
 as defined by the Treaty as the mouth
 of the Rio Uta where it unites with the
 Colorado, a few names only and a note
 being added

(Signed) J. M. Whipple
U. S. Top^y Engineers

1st bush quail within
2nd bush within cat whet
mean

Scale of $\frac{1}{2}$ mile

Copied by
P. M. M. Gill C. E.
Washington D.

PLATE No. 4

Plan compiled by Lieutenant Whipple to illustrate agreement with Salazar as to "the point of boundary defined by the Treaty as the middle of the Rio Gila where it unites with the Colorado."

Condé and Weller met at San Diego on January 28, 1850, to close up their part of the boundary work, deciding that all that now remained to be done was to place the suitable monuments at the two extremes of the line and at such intermediate points as might be agreed upon. However, at this meeting General Condé brought up a point concerning the line agreed upon by the commissioners at the mouth of the Gila. According to Condé the men who negotiated the Treaty of Guadalupe Hidalgo, proceeding with the maps at their disposal, had granted Mexico the left (east) bank of the Colorado under the assumption that that river ran due south from its junction with the Gila. Therefore, the *intention* of the negotiators had been that the left bank of the Colorado would be and remain a part of Mexico by the line as delineated on the map submitted with the treaty. Consequently Condé wanted the matter of the boundary arrangement at the mouth of the Gila left up to his government for its decision.

Mr. Weller replied that this proposition was impossible because Article V of the Treaty of Guadalupe Hidalgo provided that the Joint Commission was to run the boundary between the points specified and the result agreed upon by the Joint Commission was to be considered a part of the treaty and to have the same force as if it were inserted therein. These words clearly meant, said Weller, that the Commission was itself to settle the boundary question "forever." Therefore, no provision was made for referring a problem such as the one stated by Condé to the home governments. The line had been run according to the terms of the treaty and that settled the matter; it was no concern of the commissioners to worry about the *intentions* of those who negotiated the treaty. Said Weller to Condé at one point in the argument: "I have no other rule to guide me in the decision of these questions, but the unequivocal language of the treaty itself. This requires a straight line from the mouth of the Gila to the Pacific ocean, and none other can do."⁵¹ Weller won his point and nothing more was said about the matter.

At a meeting held on February 3, 1850, it was decided that the Joint Commission should adjourn to meet again at El Paso del Norte on the first Monday of the coming November as it seemed impracticable "in the present condition of California" to advance from San Diego beyond the mouth of the Gila towards the frontiers of New Mexico.⁵² The last meeting of the Commission was held on February 15, and it was decided that Captain Hardcastle and Francisco Jiminez were to remain as engineers to supervise the construction of the monuments and the work of placing them at the designated points. Lieutenant Emory and Salazar were to locate definitely the points at which the monuments were to be placed.⁵³

On February 19, 1850, Weller left San Diego for San Francisco where he sat down and wrote a lengthy letter to Secretary of the Interior Ewing concerning the matter of his discharge as Commissioner. In this letter Weller reviewed the

⁵¹ *S. Ex. Docs.* (626), 32 Cong., 1 Sess., XIV. No. 119, p. 62.

⁵² *Ibid.*, p. 65.

⁵³ *Ibid.*

splendid work of the Commission, showing how, in spite of every embarrassment thrown across his path, it had succeeded in running the boundary line from the Pacific to the mouth of the Gila River.

There was scarcely a man upon the commission who could not have obtained from private individuals three times as much as was allowed them. Let the wages given these men be compared with the wages allowed for similar services in this country, and I trust that the department will be satisfied that the charge of extravagance which it has countenanced is without the shadow of truth.

Lieutenant Emory proceeded at once to the task of reorganizing the Commission and sent to the Secretary of the Interior a schedule of the new arrangement along with a pointed plea for funds.⁵⁴ As he later wrote: "This commission, when I received charge of it, was without one cent of money, without a mouthful to eat, and without a hoof or wheel for transportation."⁵⁵ Emory's request was received in Washington and brought forth the following words from the Secretary of the Interior in a letter dated April 10, 1850:

The bill to supply deficiencies of appropriation for the present fiscal year, containing an appropriation for the boundary service, has passed the House and is now before the Senate, but will not probably be disposed of by that body in time to enable me to forward a remittance to you by the steamer which sails on the 13th instant. Funds will be sent to you, however, by the next departure from New York.⁵⁶

And yet weeks were to pass by before the Department of the Interior made another move in the direction of aiding the destitute Commission. The promise seemed to be entirely forgotten.

By April 2, monuments had been erected at frequent intervals along thirty miles of the line running from the initial point on the Pacific eastward, a distance traversing the settled portion of the country. Both Captain Hardcastle and Lieutenant Emory had to do practically all of the work as most of the Mexican members of the Commission had departed for El Paso del Norte. This type of work, extending as it did over an area of 148 miles, "separated by precipitous mountains and a desert of shifting sand, without vegetation, and without water," comprised a task of no small proportions.⁵⁷ Lieutenant Whipple conducted the observatory at the mouth of the Gila and Lieutenant Emory the one on the Pacific, while to Captain Hardcastle was assigned the task of conducting the intermediate operations. After the direction of the line had been ascertained and due allowances made for the spheroidal figure of the earth it had to be marked on the ground and the topography gained.

Lieutenant Emory meanwhile patiently awaited the relief which had been promised to him by Ewing. In June a new Commissioner was appointed, John R. Bartlett, and Emory was notified of the appointment. No money was sent to San Diego for the members of the Commission there and Emory was furious. As he later put it:

Congress had voted \$50,000 to pay the deficiencies due this very party. Not one cent of it was paid, as Congress designed, but it was improperly, if not illegally, diverted from its

⁵⁴ *S. Ex. Docs.* (558), 31 Cong., 1 Sess., No. 34, pp. 8-10. San Diego, March 1, 1850.

⁵⁵ *Ibid.*, p. 14. Emory to Ewing, San Diego, April 2, 1850.

⁵⁶ *Ibid.*, p. 18. See also, *H. Ex. Docs.* (861), 34 Cong., 1 Sess., No. 135, I, p. 9. Ewing to Emory.

⁵⁷ *S. Ex. Docs.* (626), 32 Cong., 1 Sess., No. 119, p. 77. Emory to Secretary of the Interior A. H. H. Stuart, New Orleans, September 25, 1851.

channel and given to the new commissioner, who expended it before he got on the ground, and incurred debts in addition far exceeding this sum. The persons for whom this money was intended, who had honorably sacrificed the certainty of private fortune to a sense of duty, were left in the field without pay and without subsistence.⁵⁸

In October, Emory called his little party together, turned the command over to Captain Hardcastle in order that he might complete the work on the line, and left for Washington to represent the group in person and to place its needs before the authorities in the Department of the Interior. Emory records that by this time he had abandoned nearly all hope for the Commission for "it was hard to believe, and still harder to comprehend, that such an act of injustice could be perpetrated in a republican government."

Emory reached Washington on November 20, 1850, and, thanks to the new Secretary of the Interior, A. H. H. Stuart, funds were sent at once to the Commission at San Diego, funds which made the completion of the work on the line possible there.⁵⁹ On December 23, Secretary Stuart wrote to Captain Hardcastle that he was to remain at his work on the boundary until all of the monuments between the initial point and the mouth of the Gila River were erected.⁶⁰ Emory remained in Washington in order to compile the full report of the survey including maps illustrating the boundary work.

By the first of September, 1851, Captain Hardcastle and his party returned to Washington to bring to Emory additional data for use in his report. On September 25, Lieutenant Emory wrote a letter to the Department of the Interior in which he called attention to the completion of the boundary survey. Speaking of Captain Hardcastle's work, he said:

He has accomplished all that was left for him to do in the most satisfactory manner; and now I report to you his arrival in Washington, and that he produced the line to the end and found it correct; that he has obtained all of the topography not heretofore obtained; and that he has placed all the monuments on the line; and that the same have been officially accepted by the officer delegated by the Mexican commission to accompany him; so that all appertaining to the boundary on the Pacific side may now be considered as finally settled.⁶¹

LEWIS B. LESLEY*

⁵⁸ *H. Ex. Docs.* (861), 34 Cong., 1 Sess., No. 135, I, p. 9. Bartlett made his way at once to El Paso del Norte. For his account of the survey of the boundary from El Paso to the mouth of the Gila River see, *Personal Narrative of Exploration and Incidents*, which he published in two volumes in 1854.

⁵⁹ *H. Ex. Docs.* (861), p. 10.

⁶⁰ *S. Ex. Docs.* (627), 32 Cong., 1 Sess., No. 121, p. 78.

⁶¹ *S. Ex. Docs.* (626), 32 Cong., 1 Sess., No. 119, p. 78. In the years 1891 to 1896, the line west of the Rio Grande River was re-surveyed and re-marked, the work from the mouth of the Gila to the Pacific being done from March 20 to June 30, 1894. 53 monuments were re-erected west of the mouth of the Gila. A new monument was put up in place of the old one in Tijuana valley and made very prominent; it is known as Monument 255. On October 3, 1894, the old monument at the initial point on the Pacific (Monument 258) was taken down, re-cut, and put back in its place. A high iron fencing was put around the monument to keep vandals from cutting into it, a practice which had ruined the original facing. See, *S. Ex. Docs.* (3611, 3612, 3613), 55 Cong., 2 Sess., No. 247, the *Report of the boundary commission upon the survey and re-marking of the boundary between the United States and Mexico west of the Rio Grande, 1891-1896*. Volume 3612 is filled with exquisite photographs illustrating the points of interest along the border. The survey was in charge of Major J. W. Barlow, who later settled in San Diego. His daughter, Miss Alice Barlow, is now in charge of the magnificent Scientific Library, in Balboa Park, San Diego. Miss Barlow and the author of this paper are at present preparing a paper on the work of the survey of 1891-1896.

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THE RISE AND FALL OF THE "KNOW NOTHING" IN CALIFORNIA

By PEYTON HURT

CHAPTER I.

KNOW NOTHING ANTECEDENTS*

A "Know Nothing" of the fifties was a member of a powerful secret political organization having for its fundamental principle the doctrine of nativism. American politics have been swept by periodic waves of nativism, hostility to all non-American influences having risen several times to heights demanding, in tones that could not be entirely disregarded, that "Americans must rule America." The twin doctrines of nativism are (1) that foreign-born persons are unfit for citizenship until time obliterates all active interest in their mother land, and (2) Roman Catholics are unfit for citizenship because they are obedient to a foreign potentate. Nativism, in its various appearances in American politics, has always been anti-foreign, and nearly always anti-Catholic. Its earliest outbursts were against the clannish settlements of Irish-Catholics in the cities of the Atlantic coast, and thus both anti-foreign and anti-Catholic agitations were early evidences of native hostility to a rapidly growing non-American influence in their midst.

Anti-foreign agitation has been sporadic, appearing and dying out at various intervals, excited by different incidents and arising from various sources. In the years from 1815 to 1829, for example, the country was affected by the "no-popery" sentiment then prevalent in England. During the War of 1812 the New England states were aroused against the Irish, who favored the war. Consequently, one of the proposed resolutions of the Hartford Convention, in 1814, was to exclude from civil office all who were foreign born. Again in 1824, Albert Gallatin, a Swiss by birth, withdrew his name from the Vice Presidential candidacy because of nativist opposition. In 1829, also the emotions aroused by the emancipation of the Catholics in England were reflected in the religious

*Third party movements in the United States have occurred several times, and each time have been based upon some issue which the regular parties have refused to meet. The Know Nothing Party is no exception to this generalization, and it swept the country for a brief time, only to be replaced by a more powerful issue—the question of slavery.

This study is intended to present a picture of that peculiar secret order, commonly called the Know Nothing Party, which played a brief, though not unimportant, rôle both in national and state politics in the decade of the 'fifties. Without attempting a critique of the party's principles, this study is confined mainly to its rise and development under the peculiar conditions existing in the State of California. To present a more complete and understandable picture, it has been deemed necessary also to summarize the history of political nativism prior to the rise of the Know Nothing Order, touch upon the national development of the party, and indicate in some measure the position occupied by the older major parties in the period under consideration.

For his suggestion of political nativism as a topic for research, and for generous counsel during my early studies of the subject, I am grateful to Professor P. Orman Ray, of the University of California. For advice and encouragement in the study of California politics, I am grateful to Professor Herbert E. Bolton, of the University of California.

press in the United States. But there appeared little popular response to these various warnings against the papal power.¹

By 1830, the essential feature of nativism in the United States was a dislike of the Irish-Catholic element, which was regarded as exemplifying the objectionable features of an alien manner and an alien church.² Stimulated by various new anti-foreign and anti-Catholic manifestations, the first American political organization having nativism as its fundamental principle appeared in New York City, in 1834. This organization was to "take into consideration means to counteract the undue influence which foreigners now possess over our elections, and also to consider the propriety of foreigners holding offices which can be filled by native citizens."³ In this quotation is found the basis upon which the later Know Nothings were to build their organization twenty years afterwards. This first nativist political organization remained purely local, and was absorbed by the Whig party when the two combined to win the New York City election in April, 1837.

Meanwhile, non-political nativist organizations were carrying on the anti-foreign agitation. During the 30's, petitions were circulated and presented to Congress asking for a change in the naturalization laws so that twenty-one years residence would be required before the granting of citizenship to aliens.⁴ A few years later, in 1841, a Louisiana state nativist convention organized the American Republican party.⁵ Similar organizations, directed mainly against Irish-Catholics, who were now demanding a share in the public school funds for Catholic schools,⁶ were soon formed in St. Louis, Lexington, New York, Philadelphia, Baltimore, and other cities.⁷ In New York and Philadelphia, stimulated by the school fund controversy, the American Republicans rapidly increased their numbers, in the years 1840 to 1844. Severe riots occurred in Philadelphia, in 1844, between native Americans, Irishmen, and the militia, lasting several days and resulting in the death of over twenty persons as well as the destruction of a large amount of property.⁸ Similar riots occurred in other localities, each adding to the force of the anti-foreign sentiment.

Early in 1845, these various local and state organizations of American Republicans took action looking toward the formation of a national party. Their strength was estimated to be as follows:⁹

New York (New York City \$18,000).....	48,000
Pennsylvania	42,000
Massachusetts	14,000
New Jersey	3,000
Delaware	1,000
Other states	2,000
Total.....	110,000

¹ Scisco, 12.

² *Ibid.*

³ The platform of the organization is quoted in Scisco, 24.

⁴ Petitions to Congress, April 1838, and May 1839; Scisco, 31.

⁵ McMaster, *Riotous Career of the Know Nothings*, 19.

⁶ Scisco, 32.

⁷ Cross, 529.

⁸ Lee, 83, 89.

⁹ Scisco, 54.

This first national nativist party was at its height in 1845, when in addition to many purely local successes, it elected to the 29th Congress, 6 Representatives, 4 from New York, and 2 from Pennsylvania.¹⁰ A national nativist convention, consisting of 141 delegates representing 13 states,¹¹ met in Philadelphia on July 4, 1845, and organized the *Native American Party*, issued an address to the citizens, and a call for another convention to meet in Pittsburgh in 1847. This beginning of the national party, however, came nearly at the end of this wave of nativist sentiment. Between the years 1845 and 1847, nativist political organizations rapidly declined. When the Pittsburgh convention first met on May 4, 1847, and again, in a second session, at Philadelphia on September 10, the *Native American party* was fast declining, and contented itself with merely recommending Zachary Taylor and Henry Dearborn for President and Vice President, making no attempt to conduct a separate national campaign.

The *Native American party* soon passed out of existence, nativism being dwarfed by greater issues such as the Mexican War, the question of slavery in the territories, the Wilmot Proviso, gold in California, the Free-Soil movement, and the Compromise of 1850.

From the death of the *Native American party*, in 1847, to the rise of the *Know Nothing party* some seven years later, the germs of political nativism were propagated in nativist secret societies. Recovering from the strong anti-Masonic sentiment which was prevalent in the years 1826 to 1836, secret societies grew rapidly in the 'forties. Following closely upon the heels of the temperance workers, the nativists were the second political organization to make use of secret societies to advance its cause.¹² Between 1845 and 1854, a number of secret nativist societies were formed, and from these developed the secret political activity which culminated in the *Know Nothing party*.¹³

Of these societies, the *Order of United Americans*, popularly known as the *O U A*, was for several years by far the most important. The *American Brotherhood*, organized in New York City, December 21, 1844, changed its name to become the *Order of United Americans*, in January, 1845. During the next few years, while the non-secret *Native American party* was rapidly declining in strength, the *O U A* seems to have greatly enlarged its membership and expanded its organization. At first there was little secrecy about the *O U A*. It was "a social and beneficial society devoted to American traditions, but with no pledges

¹⁰ Johnson, 84; McDonald, 87.

¹¹ Lee, 228; States represented were Pennsylvania, Massachusetts, New York, New Jersey, Delaware, Kentucky, Ohio, Mississippi, Georgia, New Hampshire, Vermont, Indiana and North Carolina.

¹² Scisco, 63.

¹³ The following is a list of some of those societies with the date and place of their organization: *Native Sons of America*, Dec. 18, 1844, New York; *American Brotherhood*, Dec. 21, 1844, changed to *Order of United Americans*, Jan. 1845, New York; *United Daughters of America*, Nov. 27, 1845, New York; *Order of United American Mechanics*, date unknown, Philadelphia; *Order of the Star Spangled Banner (Know Nothings)*, 1850, New York; *Order of Sons of America*, 1844, Philadelphia; *American Protestant Union*, before 1850, Pennsylvania; *Benevolent Order of Bereans*, 1844 or 1845, New York.

or program of political conduct. Its constitution was an open one, and there was no concealment of its aims or membership."¹⁴

The national organization of this society, when fully developed, consisted of (1) the "Arch Chancery," or national head, composed of "Arch Chancellors," three from each State Chancery, (2) the "Chanceries," or State heads, composed of "Chancellors," three from each "Chapter" in the state, and (3) the "Chapters," or local organizations, comprising the membership of the Order. Each chapter was presided over by a Sachem, and there were Grand Sachems for each State, as well as the Arch Grand Sachem as the national head of the Order.¹⁵

Within the O U A there gradually developed a new form of political activity. In 1848, the new constitution of the Order formed a Grand Executive Committee, consisting of nine members of Chancery, "to care for such matters as demanded prompt action or special secrecy."¹⁶ This committee developed into the political head of the organization, and in 1851, reorganization brought about the adoption of 15 rules, one of which provided for *secret endorsement of political candidates for whom the society would afterward work and vote*. Thus, this organization, by devising a system of secretly concentrating the votes of its members on candidates selected from the nominees of either of the regular parties, originated the "dark lantern politics" by means of which the Know Nothings were soon to rise to great prominence.

The O U A was the forerunner of Know Nothingism in California, as it was in New York, and other eastern states. It was first organized in California, in 1850, by Messrs. Robert D. Hart, John W. Ackerman, Charles M. Yarwood, and others, who were then members of the Order in other states.¹⁷ The organization continued to thrive, and probably outlived the Know Nothings in California. As late as 1857, when the Know Nothings had fallen into general disrepute, a newspaper reported the quarterly session of the State Chancery of the O U A, at Sacramento on September 8, and declared the Order to be in a prosperous condition.¹⁸ At that time E. A. Crowell, of San Francisco, was elected Arch Chancellor of the state, and there were said to be nine Chapters of the O U A, three located in San Francisco, two in Sacramento, and one each in Jamestown, Sonora, Springfield, and Columbia.¹⁹

It is probable that other nativist societies were formed in California in the early 'fifties, as there are many indications of native-American hostility to foreigners who seemed to be reaping great profits from gold diggings,²⁰ although this animosity must be attributed more to greed and selfishness than to genuine native-American sentiment.

¹⁴ Scisco, 70.

¹⁵ Whitney, 265.

¹⁶ Scisco, 73.

¹⁷ Whitney, 272.

¹⁸ *Bulletin*, September 11, 1857.

¹⁹ *Ibid.*

²⁰ Bancroft, VI, 692.

In 1852, there were numerous secret nativist societies thriving in the United States, and the time was ripe for another wave of political nativism. With startling rapidity, hundreds of thousands of American citizens were soon organized in such societies. The impetus for this came from several sources, of which the most important was the great increase in immigration following the Irish potato famine of 1847-1848. In addition to this Irish influx, the European political revolutions of 1848 stimulated emigration from continental countries, especially from Germany.²¹ Another stimulus to nativist sentiment came from anti-Catholic street preachers such as Gavazzi, Bedini, and the "Angel Gabriel," who went about the country arousing the people against the papal power in the United States.²² The rapid growth of the Catholic Church might likewise have given cause for alarm, as may be seen from the following table showing its growth in the United States from 1808 to 1855:²³

	1808	1855
Archbishops	0	7
Bishops	2	40
Priests	68	1,704
Missionary Stations	0	678
Churches	80	1,824
Ecclesiastical Institutions	2	37
Colleges	1	21
Female Academies	2	117
Adherents	few	2,500,000

Chief among the secret nativist societies of the early 'fifties was the Order of the Star Spangled Banner. Between 1852 and 1856 it became numerically so strong and politically so potent that it seemed destined to become the predominant political party in the United States. The original Order of the Star-Spangled Banner was conceived and originated by Charles B. Allen in New York, in 1850.²⁴ It made little progress at first, and in 1852 consisted of only forty-three members. In this year, however, some members of the O U A became interested in the new society, and under their guidance it suddenly underwent a period of rapid expansion. They took up the new Order in preference to the O U A for political action, because it had one feature designed to promote rapid growth. *It cost nothing to acquire and hold membership*,²⁵ as the society, having no beneficial or charitable purposes, required no funds, and consequently, found it easy to recruit and hold members in the Order.

The principles of the Order were similar to those of the O U A. It was a nativist secret society designed to bring about its program through secret political activity. Because of the secret character of the Order, the members answered all questions about it, with the reply, "*I know nothing about it*," consequently,

²¹ Immigration increased from 552,000, in 1830-40, to 1,558,300, in 1840-50, and 2,707,624, in 1850-60. In 1850, 43.04 per cent of the alien population of the United States were Irish; and their concentration in cities made the proportion much higher in New York, Boston, Philadelphia, etc.

²² McMaster, *Riotous Career of the Know Nothings*, 11, 12.

²³ Whitney, 116.

²⁴ Whitney, 281.

²⁵ *Ibid.*

the newspapers soon began to call them the Know Nothings,²⁶ and, it was by this name that they were universally known, even after they had abandoned secrecy and adopted the name, American Party.

Under new leadership, the Order of the Star-Spangled Banner began to expand, and within four months, in 1852, its membership increased from forty-three to about a thousand.²⁷ In the same year, the constitution of the Order was revised to allow the formation of a system of national, state, and local councils, so that it might spread from New York throughout the entire United States. Under this new plan, the society grew rapidly, local and state councils springing up in state after state, until, at the close of 1854, the Know Nothings were a thriving Order in practically every State and territory in the United States,²⁸ numbering in its membership at least one and a half million legal voters.²⁹

CHAPTER II.

KNOW NOTHING ORGANIZATION AND PROCEDURE

The membership of the Know Nothing Order was narrowly restricted to native-born Americans, who were non-Catholics and whose near relatives were non-Catholics. They were sworn to secrecy and were able to recognize other members through the use of secret signs, grips, and pass-words.¹ Within the Order, members were divided into three degrees, each degree having its secret ritual and oath. The first degree comprised the whole membership, and anyone joining the Know Nothings was obliged to take the first degree oath, which was as follows:

In the presence of Almighty God and these witnesses you do solemnly promise and swear that you will never betray any of the secrets of this society, nor communicate them even to proper candidates, except within a lawful council of the Order; that you will never permit any of the secrets of this society to be written, or in any other manner to be made legible except for the purpose of official instruction; *that you will not vote nor give your influence for any man for any office in the gift of the People, unless he be an American-born citizen, in favor of Americans ruling America, nor if he be a Roman Catholic,*² *that you will in all political matters, so far as this Order is concerned, comply with the will of the majority,* though it may conflict with your personal preference, so long as it does not conflict with the Constitution of the United States of America or that of the state in which you reside; that you will not, under any circumstances whatever, knowingly recommend an unworthy person for initiation, nor suffer it to be done if in your power to prevent it; *that you will not under any circumstances expose the name of any member of this Order, nor reveal the existence of such an association;* that you will answer an imperative notice issued by the proper

²⁶ Scisco, 88, says the New York *Tribune* first used the name Know Nothings, in discussing the Order, Nov. 10, 1853.

²⁷ Whitney, 282.

²⁸ Whitney, 284, shows the spread of the Know Nothing Order as follows: to New Jersey, Vermont, Maryland, Connecticut, Massachusetts, Pennsylvania, and Ohio in 1853; to Washington, D. C., New Hampshire, Indiana, Rhode Island, Maine, Alabama, Georgia, South Carolina, Kentucky, Missouri, Tennessee, Virginia, Delaware Mississippi, Texas, Florida, Arkansas, California, Louisiana, and Oregon in 1854; and to Minnesota, New Mexico, Kansas, and Nebraska in 1855.

²⁹ Whitney, 285.

¹ The secret ritual may be found in *Appendix A*, at the conclusion of the second installment of this article.

² This and all other anti-Catholic phrases were modified in the ritual used in California. See *Appendix A*.

authority, obey the command of the state-council president or his deputy while assembled by such notice, and respond to the claim of a sign or cry of the Order, unless it be physically impossible; and that you will acknowledge the State Council of as the legislative head, the ruling authority and the supreme tribunal of the Order of the state of acting under the jurisdiction of the National Council of the United States of North America, binding yourself in the penalty of excommunication from the Order, the forfeiture of all intercourse with its members, and being denounced in all the societies of the same, as a willful traitor to your God and to your country. (Italics added.)

The next degree of the Know Nothings was composed of those members deemed competent to hold office in the Order, and they were required to take the following oath:

You and each of you of your own free will and accord, in the presence of Almighty God and these witnesses, your left hand resting on your right breast and your right hand extended to the flag of your country, do solemnly and sincerely swear that you will not under any circumstances disclose in any manner, nor suffer it to be done by others if in your power to prevent it, the name, signs, passwords, or other secrets of this degree, except in open council for the purpose of instruction; that you will in all things conform to all the rules and regulations of this Order, and to the constitution and by-laws of this or any other council to which you may be attached, so long as they do not conflict with the Constitution of the United States, nor that of the state in which you reside; that you will under all circumstances, if in your power so to do, attend to all regular signs or summons that may be thrown out or sent to you by a brother of this or any other degree of this Order; *that you will support in all political matters, for all political offices, members of this Order in preference to any other persons*; that if it may be done legally, you will, when elected or appointed to any official station conferring on you the power to do so, remove all foreigners, aliens or Roman Catholics from office or place, and that you will in no case appoint such to any office or place in your gift. You do also promise and swear that this and all other obligations which you have previously taken in this Order shall ever be kept through life sacred and inviolate. All this you promise and declare as Americans to sustain and abide by, without any hesitation or mental reservations whatever. So help you God and keep you steadfast. (Italics added.)

The membership of the highest degree of the Know Nothing Order was limited to those deemed competent to hold public office. This third degree was later known as the Union degree, because of clauses added to the oath referring to the preservation of the Union. This was in keeping with the attempt of the Know Nothings to subordinate the prevailing slavery controversy to the issue of Americanism, upon which both North and South could unite. The oath of this degree was as follows:³

You and each of you, of your own free will and accord, in the presence of Almighty God and these witnesses, with your hands joined in token of that fraternal affection which should ever bind together the states of this Union—forming a ring in token of your determination, that so far as your efforts can avail, this Union shall have no end—do solemnly and sincerely swear that you will not under any circumstances disclose in any manner, nor suffer it to be done by others if in your power to prevent it, the name, signs, passwords, or other secrets of this degree, except to those whom you may prove on trial to be brothers of the same degree, or in open council for the purpose of instruction; that you do hereby solemnly declare your devotion to the Union of these states; that in the discharge of your duties as American citizens, you will uphold, maintain and defend it; that you will discourage and denounce any and every attempt coming from any and every quarter which you believe to be designed or calculated to destroy or subvert it or to weaken its bonds, and that you will use your influence, so far as in your power, in endeavoring to procure an amicable and equitable adjustment of all political discontents or differences which may threaten its injury or overthrow. You do further promise and swear that you will not vote for any one to fill any office of honor or profit or trust of a political character, whom you know or believe to be in favor of a dissolution of the Union of these states, or who is endeavoring

³ The "Union" degree was adopted when the secret ritual was revised by the National Council, at Cincinnati, November 15, 1854. It was an attempt to appease the southern states, but it alienated the anti-slavery men who feared it would lead the Order to suppress their activities.

to produce that result; *that you will vote for and support for all political offices Third or Union degree members of this Order in preference to all others*; that if it may be done consistently with the constitution and laws of the land, you will when elected or appointed to any official station which may confer on you the power to do so, remove from office or place all persons whom you know or believe to be in favor of a dissolution of the Union, or who are endeavoring to produce that result; and that you will in no case appoint such persons to any political office or place whatever. All this you promise and swear upon your honor as American citizens and friends of the American Union, to sustain and abide by without any hesitation or mental reservation whatever. You also swear that this and all other obligations which you have previously taken in this Order shall ever be kept sacred and inviolate. To all this you pledge your lives, your fortunes and your sacred honors. So help you God and keep you steadfast. (Italics added.)

In order to become a member of any one of these degrees, it was necessary for the candidate to have his name presented by a brother of that degree and to receive the approval by ballot of the members holding the degree.

The organization of the Know Nothings was similar to the modern lodge system. The basic units of the Order were the local councils. Each of these councils was designated by a number, and based its organization upon a charter granted under authority of the Grand Council. This Grand Council was the state council of the Order, which was composed of three delegates elected from each local council within the state. Above the state Grand Council was the national head of the Order, the Grand Council of the United States, which was made up of delegates from the state Grand Councils.

The national constitution of the Order could be amended by the National Council, subject to ratification by the various state councils. The state constitutions could be altered only after a referendum to the local councils. Regular meetings of the local councils were for all members of the first degree, but there were also separate sessions, for special business, held by members of the second degree, and presumably there were third degree council meetings. The presiding officers of the councils were in each case termed presidents, and they were the chief executives of their respective councils.⁴

The formal meetings of the Order proceeded with a secret ritual, involving outside sentinels, inside sentinels, marshals, and solemn ceremony.⁵ The meetings of the Order were called by scattering bits of blank paper in the streets, fastening them on fences and other places. If the shape of these papers did not indicate the time and place of the next meeting, then the members secretly inquired of one another, until they gained the necessary information. The organization attempted to work in absolute secrecy, and the membership, organization, meetings, and even the very existence of the Know Nothings, were supposedly concealed from the public.

The political tactics of the Know Nothings were peculiar. They secretly selected candidates, usually from the regular party nominees, and concentrated the vote of their entire Order upon them. In local elections the candidates might be selected by the entire council, but in cities, counties, and legislative districts, the ticket was made up by a secret nominating convention and later

⁴ Scisco, 101. The organization, ritual, oaths, etc., varied from time to time as constant changes were made in their attempt to perfect a national political organization.

⁵ See Appendix.

ratified by meetings of first degree councils.⁶ In this respect the individual members of the Know Nothing Order had far more voice in selecting their local candidates than did members of the regular political parties. But in state politics the individual members were of not as much influence. The Know Nothings had no adequate machinery for nominating state and national tickets, and when the state councils did not make the nominations, it was done through a special nominating convention. However, since it was not practical to submit a state ticket to the various local councils for ratification, they were bound to abide by the action of their delegates in state convention.

By having members sworn to abide by the will of the majority in the selection of political candidates, and by having a secret organization which could work effectively without revealing its steps to its opponents, the Know Nothings possessed a political machine of surprising power. Their candidates were regularly the last in the field, and their names were often withheld from the public until just before the election. This served the double purpose of keeping their political opponents in a state of uncertainty, and of keeping the Know Nothing ticket free from electioneering attacks. The Order became so strong in some communities that, occasionally, it elected an entire local ticket made up of men who were not known to have been candidates prior to the counting of the votes. Under cover of its secret organization and procedure, the Know Nothing Order swept the entire country, winning elections with startling ease, and seeming destined to displace the dominant political parties of the United States.

CHAPTER III.

BEGINNINGS OF THE KNOW NOTHING PARTY IN CALIFORNIA — THE SAN FRANCISCO MUNICIPAL ELECTION, 1854.

The first organization of Know Nothings in California took place in San Francisco, late in May, 1854.¹ The *California Chronicle*, which was later accused of being pro-Know Nothing,² declared, on June 1, that "the Know Nothings are organizing in San Francisco, and also in some of the interior towns." In its issue of June 21, it was reported that "a society of Know Nothings will organize so soon as they can receive their rules and regulations, which are expected by the next steamer," and the same article sheds some light upon the attitude of the editor and the public, declaring that "if they (Know Nothings) can stop drunkenness and fighting at elections they will deserve some credit."

Other papers also commented on this new organization of the Know Nothings. On August 6, the day on which the first Democratic local primary was held, the *Alta California* observed:

It is said also, that there is another element which will enter into the composition of our fall election: an element the admixture of which has stirred up the political cauldron in the

⁶ Brand, 72; Scisco, 104; *Alta California*, September 3-5, 1854.

¹ *Alta California*, May 27, 1854.

² The German *California Democrat* intimated the *Chronicle's* attachment to the Know Nothings; *Chronicle*, August 21, 22, 23, 1854.

Atlantic states until it has bubbled and boiled over. It is said, although they have conducted their affairs with so much secrecy that we have no positive knowledge of the fact, that the "Know Nothings" are already organized with considerable force in this city. . . .

The same editor declared that the Know Nothings were waiting to see the tickets of the Democrats and Whigs, before deciding upon candidates of their own.³

On August 24, a local editor declared:⁴

It is stated, . . . and very generally believed, that there is in this city a large body of men made up of all classes of society, parties and factions, who, under the euphonious appellation of "Know Nothings," are united for the purpose of placing good men in office, and who will either nominate a ticket of their own, or give their support to that which they believe will, if elected, be for the best interests of the city. . . . Their operations, however, are of such a mysterious nature that it is impossible to form any idea of how they will influence the election. . . .

Revolt against the political corruption, so prevalent in San Francisco politics, had for some time been brewing. Good citizens were in despair over the fraud and vice with which elections were manipulated, and were ready to revolt against the corrupt politicians who dominated their city government.⁵ Anxious to turn to anything which would free them from the necessity of continuing to vote for candidates nominated and controlled by thoroughly corrupt and dishonest politicians, many citizens of San Francisco were in a mood to encourage the formation of a Know Nothing Order in their midst.

The California Democrats, having no rival of consequence in the Whigs, had turned to fighting among themselves over the spoils of office. Rival factions within the Democratic ranks completely split the party, in 1853, when the "Tammany" wing, led by Broderick, had attempted to have the state legislature elect him to the United States Senate two years before a seat became vacant. The "Chivalry," or southern wing of the Democrats, led by Senator Gwin, had been able to block Broderick's election only after a bitter struggle.⁶ At the Democratic state convention, which met at Sacramento, July 18, 1854, the contending factions withdrew, held separate conventions, and nominated "electionist" and "anti-electionist" tickets for the coming election.⁷

The Democrats in San Francisco followed the example of the state convention, and even outstripped them by splitting into three factions. The "electionist" city and county convention met, August 10 to August 15, and nominated their local ticket.⁸ The "anti-electionists" met in a city and county convention on August 15, but, at the first meeting, the "bone and sinew" seceded, leaving only the "rose water" element to go through the "sorry farce of making nominations."⁹ A few days later the "bone and sinew" faction made nominations, and there were thus three local Democratic tickets in the field.

³ *Alta California*, August 10, 1854.

⁴ *Ibid.*, August 24.

⁵ *Herald*, July 22, 1854; *Alta California*, July 13, August 11, 1854; *Chronicle*, June 22, September 4, 1854.

⁶ Bancroft, VI, 681.

⁷ Davis, 29.

⁸ *Alta California*, August 12, 15, 1854.

⁹ *Herald*, August 18, 1854.

Meanwhile, the Whigs were elated. The split in the Democratic state convention had augured well for the Whig success, and the division into three contending factions, each offering their own candidates in the San Francisco municipal campaign, was more than the exultant Whigs could wish. The Whig state campaign began with a convention on July 25, which was harmonious throughout its three days session.¹⁰ Their city and county convention, in San Francisco, met on the evening of August 14,¹¹ and after several meetings in the next few days, selected their local candidates. The Whigs had scented victory, and carefully awaited the outcome of the Democratic conventions before coming forth with their own ticket.¹²

Local conventions having finally ended their labors, there were announced to the San Francisco voters, four tickets for the election, which was to be held on September 6.¹³

¹⁰ *Herald*, July 28, 1854.

¹¹ *Alta California*, August 15, 1854.

¹² *Alta California*, August 10, 1854.

¹³ These tickets were as follows (*Herald*, August 26, 1854; *Alta California*, August 28 1854; also election tickets in the collection of Mr. Templeton Crocker):

WHIG

Mayor—JOSHUA P. HAVEN; Tax Collector—EDWARD T. BATTURS; Treasurer—WILLIAM NEELY JOHNSON; Recorder—WILLIAM R. TURNER; City Attorney—LORENZO SAWYER; Street Commissioner—EDWARD A. EBBETTS; Marshal—J. WASHINGTON MCKENZIE; Comptroller—FERDINAND VASSAULT; Harbor Master—GEORGE M. GARWOOD; Judge of Superior Court—JOHN SATTERLEE; City Assessors—THOMAS P. VALLEAU, WM. ROLLS, CHARLES H. CATEZ; Judge of Twelfth Judicial District—E. J. C. KEWEN; Senators—W. W. HAWKS, LOUIS R. LULL; Assemblymen—E. W. TAYLOR, W. A. DANA, H. B. HOSMER, WILLIAM WHITNEY, J. B. BOOTH, W. B. FARWELL, MARCUS D. BORUCK, M. D. EYRE, CHARLES L. WHITE; Public Administrator—SAMUEL FLOWER; Aldermen—1st Ward, HENRY S. BROWN; 2nd Ward, C. H. GOUGH; 3rd Ward, J. L. VAN BOKKELEN; 4th Ward, JOSEPH F. ATWILL; 5th Ward, CHARLES E. BUCKINGHAM; 6th Ward, JACOB B. MOORE; 7th Ward, G. M. NORTON; 8th Ward, WM. F. STORY; Assistant Aldermen—1st Ward, HENRY CARRINGTON; 2nd Ward, H. HAIGHT; 3rd Ward, W. A. PIPER; 4th Ward, GEORGE R. DAVIDSON; 5th Ward, JAMES G. GOULD; 6th Ward, JOHN PERRY, Jr.; 7th Ward, J. M. MERRILL; 8th Ward, W. F. STORY.

"ELECTIONIST" DEMOCRAT

Mayor—C. K. GARRISON (incumbent); Tax Collector—WM. A. MATHEWS; Treasurer—HAMILTON BOWIE; Recorder—GILBERT A. GRANT; City Attorney—WM. M. ZABRISKIE; Street Commissioner—WM. N. BURKHEAD; Marshal—WM. MULLIGAN; Comptroller—JOHN G. MEIGGS; Harbor Master—JOHN B. SCHAEFFER; Judge of Superior Court—FRANK TILFORD; City Assessors—THOMAS McGEORGE, JAMES H. KELLER, JOHN PURCELL; Judge of Twelfth Judicial District—EDWARD NORTON; Senators—JOHN S. HAGER, WM. M. LENT; Assemblymen—DAVID L. BECK, J. W. BAGLEY, B. DERHAM, J. C. HUBBARD, JAMES GEORGE, ALFRED A. GREEN, P. H. OWENS, WM. J. SWEASEY, CHARLES H. STANTON; Public Administrator—EDWARD P. BUCKLEY; Aldermen—1st Ward, CHARLES H. CORSER; 2nd Ward, THOS. McCACHILL; 3rd Ward, GEORGE O. ECKER; 4th Ward, WM. H. TALMAGE; 5th Ward, CALEB HYATT; 6th Ward, JAMES P. VAN NESS; Assistant Aldermen—1st Ward, JOHN WILDE; 2nd Ward, C. D. CARTER; 3rd Ward, J. P. CORRIGAN; 4th Ward, H. WOHLER; 5th Ward, JACOB RITCHIE; 6th Ward, PAT HUNT; 7th Ward, SAMUEL GARDINER; 8th Ward, D. B. CASTREE.

"ROSEWATER" "ANTI-ELECTIONIST" DEMOCRAT

Mayor—C. K. GARRISON; Tax Collector—WM. G. ROSS; Treasurer—FRANKLIN L. JONES; Recorder—DR. B. MILLER; City Attorney—WM. H. MARTIN; Street Commissioner—WM. N. BURKHEAD; Marshal—DANIEL ALDRICH; Comptroller—JOHN G. MEIGGS; Harbor Master—JOHN B. SCHAEFFER; Judge of Superior Court—FRANK

The part played by the Know Nothings in this election was that of a reform party. After viewing the "riff-raff" candidates nominated by the four conventions of the regular parties, the citizens of San Francisco called for the organization of a Citizen's Party.¹⁴ Thus the path upon which the Know Nothings could walk to victory was clearly indicated to them. Consequently, it is not surprising to note that editorials and news items, concerning the organization of the Know Nothings, gave due attention to the fact that they were interested in "placing good men in office . . . for the best interests of the city," and that they were not going to select mere politicians but men who would "administer the government with economy and a desire to the welfare of the people." The citizens were not interested in the doctrines of Know Nothingism, they wanted reform in the city administration. It was generally understood that, even though their "peculiar principles of proscription of all citizens of foreign birth" would meet with no favor from the large majority of San Francisco voters, the Know Nothings would be welcomed and thanked by the community if they should succeed in electing honest men to office in the coming election.¹⁵

As opposition to the work of the old party conventions increased, the new secret Order of Know Nothings strengthened its membership. The reform element in the old parties took advantage of the timely arrival of the Know Nothings, and sought to use it to bring about the defeat of the old corrupt organizations in the city.

In response to the demand for a Citizen's Ticket, it was announced that Lucien Hermann would run as an independent candidate for Mayor.¹⁶ Shortly after this, it came to be generally understood that the Know Nothings would support his candidacy, and on September 1, the *Alta California* published his name at the head of a list "supposed to be a portion of the nominations made by the mysterious and much talked of Know Nothing Association."

But already there were signs indicating that the "wirepullers" and corruptionists were influencing this new political organization. The proceedings of the Know Nothings "in the manner of nominating" had not given very general satis-

TILFORD; City Assessors—JAMES H. BRISTOW, JACOB B. BROWN, HARRY F. TOYE; Judge of Twelfth Judicial District—EDWARD NORTON; Senators—WILSON FLINT, THOS. H. HOLT; Assemblymen—JOHN CAMMET, JOHN McDUGAL, JOHN J. COOMBS, CHAS. V. STUART, BLANTON McALPIN, GEO. PEN JOHNSTON, S. P. WHITE, THOS. SMITH, R. O. TRIPP; Public Administrator—J. C. STEBBINS; Aldermen—4th Ward, THOMAS A. WARBASS; 5th Ward, THOS. J. L. SMILEY; 6th Ward, FRANK TURK; 7th Ward, C. S. WHITNEY; 8th Ward, JAMES P. VAN NESS; Assistant Aldermen—4th Ward, DR. T. J. WHITE; 5th Ward, JOHN C. MAYNARD; 6th Ward, PAT. HUNT; 7th Ward, C. A. McNULTY; 8th Ward, J. G. W. SCHULTE.

"BONE AND SINEW" "ANTI-ELECTIONIST" DEMOCRAT

Tax Collector—WM. G. ROSS; Treasurer—FRANKLIN L. JONES; City Attorney—WM. M. ZABRISKIE; Street Commissioner—W. W. WARNER; Harbor Master—JOHN B. SCHAEFFER; Judge of Superior Court—FRANK TILFORD; City Assessors—THOS. McGEORGE, JAMES H. KELLER, JOHN PURCELL.

¹⁴ *Alta California*, August 11, 1854.

¹⁵ *Ibid*, August 24, 30, 1854.

¹⁶ *Chronicle*, September 1, 1854.

faction, and some fears had been expressed that the Know Nothings had disregarded their original object, which was reform.¹⁷

Dissatisfaction with the Know Nothing ticket became so general that a meeting of the Order on September 2, four days before the election, "refused to ratify the ticket presented to it" by their secret nominating convention.¹⁸ By this time, all local politicians were keenly aware of the strength of the secret Know Nothing Order, and were "briskly trying to ascertain in what scale their influence would be thrown." Undoubtedly, some of the political manipulators, not caring to be on the outside, had entered the Know Nothing ranks hoping to gain some advantage, and soon the new organization, designed to "put honest men in office," gave indication that it too was not free from political corruption. One editor summed up the situation as follows:¹⁹

... When this organization (of Know Nothings) was originated in this city, it was hoped by many who did not sympathize with its peculiar principles that through the effectiveness of its organization, a ticket would be presented . . . and elected, which would command the respect of the people, and composed of men who would administer the government with a view to improvement, economy, and reform. If the rumors which are now prevalent, however, in regard to this body are true, they are in a state of great dissension, and have been presented with a ticket by their nominating convention, which the organization has refused to ratify or support . . . Some of the names . . . seem to have been placed upon their ticket by the same corrupt mode of bargaining, selling, and swapping, which has characterized other political bodies in this city . . . They might have reasonably supposed that in a city like this, where there are so many candidates before the people at every election and where politics is made a trade of, political wirepullers would get amongst them, who, failing to carry their political or personal ends, would endeavor to sow dissension in their ranks, and this is said to have been the case. . . .

Part of the opposition to the Know Nothing ticket came from those who objected to the candidate for mayor, Lucien Hermann, because he was a Roman Catholic. In reply, supporters of Hermann roundly denounced the "bigotry and intolerance" of those members of the Order who opposed him because of his religious faith.²⁰

On September 3, the Know Nothing nominating convention reassembled "to reconsider and make changes in their ticket."²¹ On September 5, the day before election, a second ratifying convention of the Know Nothings met to consider the new ticket which had been drawn up. This meeting was held at the Metropolitan Theatre and about 760 members were present.²² It was reported that a more "temperate and judicious feeling" now prevailed and that the Order would agree in the choice of "something like a decent ticket."²³

However, at this meeting, the anti-Catholic faction succeeded in ousting Hermann from the ticket and naming Mr. S. P. Webb in his stead. The vote stood 649 for Webb, and 109 for Hermann.²⁴ Thus, the anti-Catholic principle of the Order was upheld, but, it must be admitted, this occurred more as an

¹⁷ *Alta California*, September 1, 1854; *Herald*, September 1, 1854.

¹⁸ *Alta California*, September 2, 1854; *Chronicle*, September 4, 1854.

¹⁹ *Alta California*, September 4, 1854.

²⁰ *Herald*, September 4, 1854.

²¹ *Alta California*, September 3, 1854.

²² *Chronicle*, September 6, 1854.

²³ *Herald*, September 5, 1854.

²⁴ *Chronicle*, September 6, 1854.

afterthought than as the result of careful observance of the fundamental doctrine of Know Nothingism. Hermann's elimination brought forth a storm of protest from those who had been tolerant of the proscriptive principles of Know Nothingism in the hope that a reform ticket might be elected, and he remained in the field as an independent candidate.²⁵ His name was placed at the head of the "Cuidado Ticket," which declared in favor of "EQUAL RIGHTS TO ALL" and "NO PROSCRIPTION ON ACCOUNT OF COUNTRY, RELIGION, OR POLITICS."²⁶

The revised ticket decided upon by the Know Nothings only the day before the election was more satisfactory to the reform element, although it was not as free from the old politicians as had been desired. The Know Nothings continued to pose as a reform party, and advertised their ticket as the "Citizen's Reform Ticket."²⁷ This ticket was mainly chosen from the candidates already nominated by other political organizations of the city, but included no candidates selected from the Broderick "electionist" Democratic ticket. Instead the Know Nothings openly joined the opposition to this "Tammany" organization which was then dominant in city politics. Of the 45 Know Nothing candidates, 27 were Whig candidates, 9 "Rose Water" Democrats, and 9 nominated by the Know Nothings only.^{27a}

In the last few days preceding the election, numerous other tickets were presented to the San Francisco voters by local political organizations, who, not content with the nominations of the triple-headed Democrats, the Whigs, and the Know Nothings, brought forth additional candidates for municipal offices. Nominations, either for all or for a part of the offices to be filled, were made by the Whigs, "Electionist" Democrats, "Anti-Electionist" "Rose Water" Democrats, "Anti-Electionist" "Bone and Sinew" Democrats, Know Nothings (Citizen's Reform Ticket), Cuidados, Anti-Slavery Men, Independents, Y. I.'s, Pine Tree Club, Independent Citizens, Anti-Know Nothings, Know Somethings, and the Independent Union.²⁸ To add to the complications, a number of individuals

²⁵ *Herald*, September 4, 1854.

²⁶ *Alta California*, September 5, 1854.

²⁷ *Chronicle*, September 6, 1854.

^{27a} KNOW NOTHING CITIZEN'S TICKET:

For Mayor—S. P. WEBB; for City Recorder—R. H. WALLER; 12th District Judge—EDWARD NORTON (R); City Attorney—LORENZO SAWYER (W); Comptroller—JOHN G. MEIGGS (R); City Treasurer—DAVID S. TURNER; Tax Collector—E. T. BATTURS (W); City Marshal—J. W. MCKENZIE (W); Street Commissioner—GEORGE W. RYDER; Assessors—J. H. BRISTOW (R), S. COWLES, J. B. BROWN (R); Harbor Master—ROBERT HALEY; Judge Superior Court—D. O. SHATTUCK; Senators,—WILSON FLINT (R), W. W. HAWKS (W); For Members of Assembly: H. B. HOSMER (W), W. B. FARWELL (W), E. W. TAYLOR (W), JOHN CAMMETT (R), W. A. DANA (W), WM. W. WHITNEY (W), GEO. P. JOHNSTON (R), E. GOULD BUFFUM, R. C. ROGERS; For Public Administrator—SAMUEL FLOWER (W); For Justices of the Peace: 1st Township—JAS. G. PEARSON (W); 2nd Township—ORRIN BAILEY (W); 3rd Township—C. M. CHAMBERLAIN (W); 4th Township—ALFRED RIX (R). [Candidates appearing on other tickets are indicated as follows: (R)—"Rose Water" Democrat; (W)—Whig. Note that in some cases all Democratic factions nominated the same man, so that the Know Nothings appear to have selected some from other than the "Rose Water" ticket in a few instances.]

²⁸ *Alta California*, September 3-6, 1854; *Chronicle*, September 3-6, 1854; *Herald*, September 6, 1854.

were running independently—Capt. R. G. Crozier for City Marshal, Capt. Geo. S. Porter and Capt. W. A. White for Harbor Master, John Addis for Street Commissioner, and numerous individuals for minor offices.²⁹

In response to requests from those hoping to have a quiet and peaceable election, Mayor Garrison appointed a number of special police to assist in maintaining order on election day. It was anticipated that the election would be conducted with unusual quiet, because of the fact that the parties and tickets were so mixed up they would act as a counterbalancing influence. However, voters were advised to go to the polls early as "rowdyism and riot" did not "usually commence until the afternoon, when the patriotic crowd, who are hired to peddle their tickets around the polls, become inflated and excited with bad rum, when their patriotic and partisan fervor exhibits itself in noise, bluster, and muscle."³⁰

On the night before election a general quiet prevailed in San Francisco. It was the lull before the coming storm. The politicians and the multitudinous candidates were tense with suppressed excitement. A contemporary thus vividly portrays the scene:³¹

... During election time, Montgomery street may be considered San Francisco. There politicians "most do congregate," there are all the bankers' offices, which supply the true "sinews of war," the slugs (fifty dollar gold pieces); there are the newspaper establishments, whose employees are ever going stealthily about, "taking notes;" there are unnumbered bar and billiard rooms—and *there* our host of gentlemen and *eke* seedy loafers, the two hundred candidates and their multitudinous friends; in short, the myth, "everybody," gather, and all day long drink and smoke, chew and spit, and drink again. There "everybody" speculates on the chances; while nearly everybody belches forth perpetual volleys of oaths, which, like the discharge of unshot guns, mean nothing, save impotent fury, noise, smoke and stench.

(The day before election) was a great day with our sovereign people—the politicians. The pack had been shuffled, the game was made, and the winning card had only to be turned. . .

True to expectations, the election was uncommonly quiet, and the newspapers were unanimous in declaring that it was "more peaceable and orderly than any ever held in the city." A brief summary of the events of the day will give a good idea of what a "quiet and orderly" election meant to San Francisco in the fifties.³²

It was generally conceded that the Know Nothings controlled and were responsible for the general conduct of the people at or near the polls. At least one-half of those electioneering, passing out tickets, and watching the polls, were Know Nothings. By sheer force of numbers and by proper organization, they were able to handle things much to their own liking.

In the vicinity of the First Ward all was comparatively quiet until just at the time of closing the polls, when a crowd of rowdies and "shoulder-strikers" attempted to take the ballot box. They were opposed by the Know Nothings, and in the struggle which ensued thirteen shots were fired, wounding three people and resulting in one death.

²⁹ *Herald*, September 6, 1854.

³⁰ *Alta*, *California*, September 6, 1854.

³¹ *Chronicle*, September 6, 1854.

³² Similar accounts may be found in the *Chronicle*, *Alta California*, and *Herald*, September 7, 1854.

At the opening of the Second Ward polls one judge was absent, and considerable excitement arose over the election of his successor.

A number of fights occurred, principally on account of Know Nothing excitement. A number of Irishmen were on the ground crying that there would be no Know Nothings about there. About half of the persons about the polls engaged in electioneering were Know Nothings. . . In the difficulties at this poll, Capt. North, of the Police, lost his gold star, and was struck over the head and slightly cut. Mayor Garrison appeared at the polls and gave notice that every person should be permitted to vote quietly, and that no policeman should interfere. This was said because it was reported that a number of Know Nothings had been sworn in as special policemen, and were very busy in electioneering for the Know Nothing ticket. . . The fights were so numerous after noon that the house-tops were covered with people looking down at the show, as they did when Caesar came home to Rome with the trophies of a hundred fights.³³

The twenty special policemen and the Know Nothings were able to maintain almost absolute order about the Third Ward polls, and there was little disorder at the polls in the Fourth Ward, where the Know Nothings were said to have been in a large majority.

But the Fifth Ward was disorderly. Tax Collector Mathews became involved in a quarrel with a special policeman, and later got into difficulty with an Irishman, who was said to have been distributing Know Nothing tickets. The Irishmen showed a disposition to assist one of their number who had been hit over the head with a cane by a Know Nothing electioneer, but the Know Nothings were so numerous, and they looked "so spunky" that the Irishmen contented themselves with being "do-nothings."

The "Bloody Sixth" was a rival of the Second Ward, having continual rows from noon until night. Here, also, the Know Nothing special policemen were accused of electioneering. Mayor Garrison tore the badge off one so accused. Thereupon the Know Nothings became much excited and "they raised their cry to the rescue — 'Ay, Ay, Ay,' — which was caught up and repeated, and about 300 men answered to the call. The crowd was then in a continual tumult, but the Know Nothings appeared to have the best of it, or to be feared by their opponents."³⁴ Soon after this, Mr. Mulligan mustered 200 Irishmen in the Second Ward and marched them to the Sixth Ward polls. The arrival of this troop did not contribute to pacify matters.

In the Seventh Ward, the Know Nothings were in a majority, and comparative quiet was maintained. The Eighth Ward was aroused only by a dog fight and one scuffle.

Only two attempts to steal ballot boxes were reported, one in the First and one in the Sixth Ward. A local editor congratulated the San Francisco public upon their behavior, declaring:³⁵

Nineteen arrests were made yesterday. It was expected that great excitement would prevail. With very few exceptions this might be considered an extraordinarily quiet election. The order and decorum which generally prevailed is attributable to the prompt, praiseworthy and energetic measures adopted to prevent the occurrence of such disgraceful scenes as usually characterize a general election. It is clear proof of what may be effected when the well disposed and orderly portion of the community put their shoulder to the wheel, with a firm determination to suppress everything tending to rowdiness and bullying. It is proof that the days in which brute force and violence hold the upper hand of honesty and

³³ *Chronicle*, September 7, 1854.

³⁴ *Chronicle*, September 7, 1854.

³⁵ *Alta California*, September 7, 1854.

good principle are fast passing away, and we must again repeat that the manner in which the voting was conducted at the majority of the polls in this city throughout the day was creditable to San Francisco and her citizens.

At the time the polls closed, it was generally conceded that the Citizens' Reform Ticket, which was the one supported by the Know Nothings, was victorious. The only doubt was in the case of Webb or Garrison for Mayor. The counting of the ballots continued for five days, during which time there was much talk of ballot-stuffing, and fraudulent counting, when, on September 11, the *Alta California* announced: "The agony is over. The 'Know Nothings' have elected their whole ticket, despite the fact that the First Ward Inspectors did not count a vote for them, and did not seem to consider that the 'Know Nothing' ticket was in the field."

At last, on September 13, "the redoubtable Eighth Ward" sent in its returns, after having taken a week to count eight hundred ballots, and the city election returns were complete. The Know Nothing candidate for Mayor, S. P. Webb, was declared elected with a majority of 539 over his nearest opponent. The votes for Mayor were as follows:³⁶

S. P. WEBB (Know Nothing).....	4,739
C. K. GARRISON (Democrat).....	4,200
J. P. HAVEN (Whig).....	1,205
LUCIEN HERMANN (Cuidado).....	887
Total vote.....	11,031

The Know Nothings elected every man on their ticket with the exception of two Aldermen, one in the First Ward and one in the Eighth Ward, and one Assistant Alderman in the First Ward.³⁷ The counting of the ballots in the First Ward was known to have been fraudulent, and when the new council held its initial session on October 2, 1854, a protest was read, contesting the seats of Alderman J. L. Hyde and Assistant Alderman J. Wilde of the First Ward. The council did not seem inclined to take action on the matter, however, and after a long delay finally decided that the protests were not supported by sufficient evidence to justify removing these men from office.³⁸

In the short space of three months from the time the Know Nothings began to form their secret organization in San Francisco, they were able to nominate and elect the entire city administration. So complete was their victory, that even their former enemies were now inclined to be lenient and express hopes that some good might come from the new city government. Now that it was certain that the city and county patronage — the spoils of office — were to be in the hands of this Know Nothing Order for the coming twelve months, there seemed to be little inclination to publicly denounce it. Indeed, a wonderful advance in the Know Nothing stock was observed in the days immediately following the election. Men who previously were "down on it," now thought it "a pretty good thing, after all."³⁹

³⁶ *Alta California*, September 13, 1854.

³⁷ *Herald*, September 16, 1854.

³⁸ *News*, October 31, November 25, 1854.

³⁹ *News*, September 8, 1854.

By arriving in San Francisco at the opportune time, and by selecting the practical method of advocating a "Citizens' Reform" ticket, the Know Nothings had quickly organized in large numbers. Then, aided by a secret organization, which publicly announced their candidates only one day before the election, and which placed numbers of well organized electioneers at every polling place, they defeated all rival parties. Thus, the Know Nothings achieved their first triumph in the State of California.

CHAPTER IV.

GROWTH OF THE KNOW NOTHINGS—STOCKTON—MARYSVILLE— SACRAMENTO—OTHER DISTRICTS

When the Know Nothings invaded California, in the year 1854, the white population of the state numbered about three hundred thousand.¹ This population was concentrated mainly in the gold fields and along the lines of communication. Naturally the political activity of the state centered in the four leading cities, San Francisco, Sacramento, Stockton, and Marysville. By the time the Know Nothings had won their first victory in the San Francisco municipal election in September, 1854, their organization was making such progress in other parts of the state that the center of political activity seemed to have shifted from the old party caucuses and conventions to the newly formed secret Know Nothing Councils.² By the last of September, the Order had spread a network of its secret councils throughout the entire state.³

In Stockton, in August, 1854, the Know Nothings were organized and rapidly increasing their numbers. The secret meetings of the Order attracted the attention of the general public, however, and soon a Stockton editor exclaimed:⁴

Where are they?—We are told that the Know Nothings are holding their meetings in town every night, and that their numbers are rapidly increasing. Nobody seems to know where their head-quarters are. The *quid nuncs* are the *qui vive*. The question is, how the devil do they increase their numbers so fast, when nobody can find the right door to knock at?

In Marysville, the Know Nothings were considered a factor in local politics by August 15, 1854.⁵ But their first political action of importance in that city

¹ Hittell, III, 403.

² Formation of the Know Nothing councils was rumored in San Francisco as early as May, 1854; and almost simultaneously the organization sprang up in other communities of the state. (See Chapter III.) On August 6, the *Alta California* declared that the Order had been formed in San Francisco and its branches were spreading throughout the state; while on the 10th, the *Herald* announced that the Know Nothings were organized in San Francisco, Stockton, Marysville, Sacramento, and "several other interior towns," and would probably hold the balance of power in coming elections. The spread of the organization was also noticed by the Sacramento *Union*, which declared: "The ramifications of this mysterious Order are gradually extending throughout the interior counties of the state. They are already quite formidable in Placerville, Downieville, and Nevada." (Quoted in the *Herald*, August 14, 1854.)

³ This conclusion is substantiated by the following editorial comment, in the *Alta California* of September 30, 1854:

"From all the papers in every portion of the state we gather the fact that the mysterious association of 'Know Nothings' have spread themselves until a branch is formed in almost every mining town and village of any importance throughout the country."

⁴ Stockton *Argus*, quoted in the *Alta California*, August 12, 1854.

⁵ *Herald*, August 16, 1854.

took place in the spring election of 1855. Before the election, the old party politicians were aware of the fact that the Know Nothings were almost certain of placing their candidates in the city offices. A large number of Whigs and some Democrats were members of the new secret Order, and there was little or no attempt to oppose it. Two elections for city officers in Marysville were held in the spring of 1855. The first was held on Monday, March 4, under the old charter of the city, and resulted in a complete victory for the Know Nothings.⁶ General James Allen, a local editor, had been announced as the Know Nothing candidate for mayor only the day before election; yet in characteristic Know Nothing style, he won a complete victory. The new charter recently granted by the state legislature, however, had changed the date for the regular city election, and in view of this fact the mayor-elect, General Allen, "generously" conceded his election to have been illegal.⁷

The election under the new charter was held on the "third Monday of March," which fell on the 19th. A Democratic editor, bemoaning the fate of the rapidly disintegrating Democratic party, now called upon the Marysville members of his party to organize and defeat the evil combination of Whigs and Know Nothings, which seemed destined to obliterate all political opponents.

"Surely, the democracy there (Marysville) can elect a full ticket, if they make suitable nominations.—They have now an opportunity (since the first election was declared illegal) to organize, and try their strength, at least."⁸

But the Marysville Democrats either did not heed this call, or else all their efforts were futile, for the election proved to be a second triumph for the mysterious Know Nothing Order. General Allen was again victorious, and with him the entire Know Nothing ticket was elected.⁹

In Sacramento, the first organization of Know Nothings to attract public attention seems to have been formed about August 15, 1854. At this time, rumors of the formation of a council of that secret Order caused considerable excitement and no little speculation as to the possible influence it might have on the coming election. One may picture the situation from the following report:¹⁰

Considerable excitement has existed in town for the past week, particularly among politicians and candidates, in consequence of a supposed organization of the Know Nothings. Their headquarters are said to be at Abbot's Hall, and from the account of a gentleman who made it his business to watch people going in and out the door, we should judge that a considerable number had already joined the Order. Candidates have generally concluded to take the matter easy, thinking that whoever gets the Know Nothing support will be elected. . . .

When the time for the election of municipal officers for Sacramento drew

⁶ *Journal*, March 9, 1855.

⁷ *Union*, March 9, 1855; *Journal*, March 9, 1855.

⁸ *Journal*, March 9, 1855.

⁹ A Democratic resident declared of the election:

"The Whigs and a few 'good for nothing Democrats,' succeeded in defeating the regular Democratic nominations for city officers. The entire Know Nothing ticket is elected by about two hundred and fifty majority. I understand that a few Democrats gave 'aid and comfort' to the Whigs, and regret to learn that one whom the Democracy of the state has honored, was one of the number who took a prominent and active part in defeating his own party candidates." (*Journal*, March 16, 1855.)

¹⁰ *Herald*, August 25, 1854, quotes the *Nevada Democrat* (Sacramento).

near, the Know Nothings had certain victory in their hands. The Order had proved to be so powerful in other communities, and its adherents were so numerous in Sacramento, that the old parties considered it futile to attempt opposition in the city election. On March 16, a local editor declared that the Democrats had given up all hope, but that the Whigs might decide to oppose the Know Nothings. It was noticed that politicians were not declaring their candidacy for office, as had been the custom, but were keeping their aspirations secret while they waited for the secret Order to act.¹¹

The old parties finally met in convention, but, when they attempted to select a ticket, most of those nominated declined the honor.¹² No one cared to be a scapegoat; no one cared to stand for election in the face of certain defeat.

On March 30, an anti-Know Nothing convention was held in the dining room of the United States Hotel.¹³ This meeting required that all present swear that they were not Know Nothings, and then took up the business of the day, which consisted largely in condemning that secret Order. The various speakers devoted considerable time to pointing out the supposed alliance between the Whigs and the Know Nothings, and in declaring that this combination was successfully defeating the old Democracy.¹⁴

The naturalized citizens in Sacramento had also begun to organize and oppose the Know Nothings. "Freedom's Phalanx" was a secret Order of foreign-born citizens designed to counteract the influence of the Know Nothings, and to protect the naturalized citizens from that Order.¹⁵ The "Phalanxers," however, were quite ineffectual in the Sacramento municipal election, although they placed a ticket in the field.

On election day, April 2, 1855, the Sacramento citizens went to the polls with little to choose but the Know Nothing ticket. This ticket had been announced on the morning of election day, and at the same time nominations made by the Whigs, Democrats, and Freedom's Phalanx were published. Of the latter three, however, there was great uncertainty because of the numerous withdrawals which were known, or rumored, to have taken place. So many candidates had declined the nomination that it was impossible to know what the real tickets were. The Sacramento *Union* published all of the tickets as originally made out, declaring it impossible to determine all those who had declined the honor, and saying:¹⁶

It is proper to state . . . that a very large number of the individuals, whose names appear appended to offices, have declined accepting the proffered honor. . . . None of those candidates, so far as we are advised, whose names are supposed to be on the Know Nothing ticket, have refused to abide by . . . [their] nomination.

¹¹ *Union*, March 16, 1855.

¹² *Ibid.*, March 31.

¹³ *Ibid.*

¹⁴ The convention nominated Hiram Arents for Mayor, and J. M. Reid, R. M. Folger, and William Willet for Aldermen. It appointed a committee to consult about additional nominations.

¹⁵ *Journal*, April 11, 1855.

¹⁶ *Union*, April 2, 1855.

The following Know Nothing ticket was advertised on election day:

For Mayor—JAMES L. ENGLISH; *for Recorder*—N. GREENE CURTIS; *for Marshal*—J. W. HAINES; *for Treasurer*—JOHN C. BARR; *for Assessor*—PRESCOTT ROBINSON; *for Collector*—JOHN T. KNOX; *for City Attorney*—HORACE SMITH; *for Aldermen*: 1st Ward—FRANK DENVER, WASHINGTON MEEKS, MARK HOPKINS; 2nd Ward—C. C. HAYDEN, A. FOWLER, D. S. WOODWARD; 3rd Ward—L. FRINK, C. CROCKER, J. P. HARDY; *for Superintendent of Public Schools*—FRANCIS TUKEY; *for School Commissioners*: 1st Ward—R. P. JOHNSON, JOHN F. MORSE; 2nd Ward—F. W. HATCH, H. HOUGHTON; 3rd Ward—G. W. WOOLLEY, GEORGE WIGGINS; *for Supervisors*: 1st District—J. L. HOWARD; 2nd District—L. P. ORMSBY.

The Know Nothings won an easy victory at the polls. The opposition which they encountered was so feeble, that with a single exception, their entire ticket was chosen.¹⁷ David Meeker, Whig candidate, defeated the Know Nothing nominee, A. Fowler, and was elected Alderman from the Second Ward. He was the single opponent of the Know Nothings to gain a victory.

The Know Nothings had guarded the polls on election day with considerable vigilance, and there was a marked absence of voters who were opposed to their Order. A Democratic editor, who was bitterly anti-Know Nothing, and who lamented the deterioration of the "old Democracy," said of the election:¹⁸

The election yesterday of the city officers and county supervisors was marked by a general quiet, and very little apparent interest was manifest as to the result. With the exception of one or two knock-downs in the Second Ward, and a rencontre between two police officers in the Third, we know of no incidents worthy of note. There were no nominations made by the old Whig and Democratic parties, and foreigners generally avoided the polls. The number of votes polled yesterday was the smallest ever known in the city.

The total vote cast was 2,197, which fell 1,326 short of the total for the previous year.¹⁹ This was undoubtedly due to the fact that large numbers of "foreigners" failed to vote. In fact, it was a matter of general remark that few naturalized citizens appeared at the polls, and this was attributed to the "overwhelming strength of this independent organization," the Know Nothings.²⁰

Once again the Know Nothings had revealed their strength, and the municipal offices of the city of Sacramento were now in "possession of this secret political society."²¹ So completely had the new political organization swept the State that the old parties seemed to have abandoned all opposition to it, and the principal men of these old parties were knocking at the doors of the Know Nothing councils in hopes of sharing the spoils.²²

With a number of municipal elections won for their Order, and with councils well organized in every community in the state, the Know Nothings now turned to the coming state election with every hope of seeing their candidates victorious. Less than a year after their origin in the state of California, the Know Nothings were laying plans to win the high offices of the state government.

¹⁷ *Union*, April 3, 1855.

¹⁸ *Journal*, April 3, 1855.

¹⁹ *Union*, April 3, 1855.

²⁰ *Union*, April 3, 1855.

²¹ *Journal*, April 3, 1855.

²² *Ibid.*

CHAPTER V.

THE KNOW NOTHINGS IN STATE POLITICS

During the last days of March, 1855, while Sacramento politicians were anxiously contemplating their chances in the coming municipal election, in their city, the Grand Council of the Know Nothing Order of the state of California was in session. This state council was busy perfecting the organization of their Order so that they might place a state ticket in the field for the coming state election. About two hundred delegates were present, representing every county in the state, except Los Angeles and Siskiyou.¹

This meeting of the state council was interested in completing the state organization, and was the first step toward the Know Nothing state campaign. The adoption of a state platform and consideration of the national platform were matters of serious consequence to be considered at the state nominating convention which was called for August 7, 1855.²

The slavery issue was causing a split in the Know Nothing organization throughout the United States. The difficulty had started when the National Council adopted the "Union" degree, at Cincinnati, November 15, 1854. The oath of the "Union" degree condemned everything that tended to disrupt the Union,³ and "the sting of it lay in the fact that it gave the conservative element and the pro-slavery men a means of suppressing the anti-slavery idea by using the discipline of the Order against its advocates."⁴ It was understood that the southern men had insisted upon some action that would prevent the Order from falling under the control of the anti-slavery men.

When the National Council met again, at Philadelphia, June 5, 1855, the South was not yet satisfied with the attitude of the Order toward slavery. The national head of the Know Nothings, Grand President Barker, expressed considerable anti-slavery sentiment in his annual address, and for this he was replaced in the election of officers by E. B. Bartlett, of Kentucky, a man of the South. The southern members of the National Council intended to protect their interests. During the first few days of the session, cliques were being formed, which soon divided the members into pro- and anti-slavery groups.⁵ On June 11, the committee on resolutions reported to the Council. There were two reports, the majority, or pro-slavery report, and the minority, or anti-slavery report. Soon the entire country was informed by the daily press that the Know Nothing Council was splitting on the slavery question. The debate lasted three days, with North and South each trying to gain control of the Order. On June 13, the Council adopted the majority report of the committee.

¹ *Chronicle*, March 31, 1855; *Union*, March 29, 31, 1855.

² The convention of August 7, 1855, is generally considered the first state convention of Know Nothings. (See Davis, 42.) However, there was certainly one, and probably two meetings of the state council before this; one in San Francisco, August, 1854, and the other at Sacramento, March, 1855. (See above.)

³ See Chapter II.

⁴ Scisco, 135.

⁵ This account is taken from the *Alta California*, July 14, 1855, and Scisco, 144.

This was too much for the anti-slavery delegates, and on June 14 they met in a caucus, drew up an "Appeal to the People" expressing anti-slavery opinions,⁶ and then many of them seceded from the Council. The remainder of the National Council, however, proceeded to adopt a national platform, and the pro-slavery resolution, which had split the convention, was included in the twelfth section.⁷ After calling a national nominating convention to meet in 1856, to nominate a presidential ticket, the National Council adjourned on June 15. This marks the split in the Know Nothings as a national organization. Henceforth, their national policy was so lenient with the South that it was generally considered pro-slavery, and was, consequently, bitterly opposed by many northern members of the Order.

One of the most important acts of the Philadelphia National Council was incorporated in the fourteenth section of the platform, which declared that henceforth the principles of the Order should be openly avowed; and every member was placed at liberty to make known the existence of the Order and his membership in it. The Council further recommended that in the future there should be no concealment of the places of meeting of subordinate councils. Thus, secrecy in the Know Nothing Order was declared to be no longer necessary, and local counties were advised to discontinue the practice of secret meetings.⁸

In California, the Know Nothing and friendly Whig editors did not regard the seceding anti-slavery wing of the National Council with favor, although they were distinctly pleased with the "Union-saving" platform adopted by the Council.⁹ There were two sections of the platform, however, which were not well adapted to conditions in California, and consequently they were not stressed by the local organization. These sections expressed anti-Catholic and anti-foreign sentiments. But because of the large numbers of those two elements in the population of California, the Know Nothings of the state could not afford to proscribe them both and expect to win the coming state election. In fact, the Know Nothings in California were never anti-Catholic, and only mildly anti-foreign in their public expressions of policy.

The Know Nothings began their state campaign with a large public meeting of "Americans" at Sacramento, June 24, 1855.¹⁰ It was estimated that 1500 people attended this meeting, and enthusiastically acclaimed the "American" speakers.

This vast assemblage was called to order by ex-Recorder McGrew, on whose motion Dr. S. A. McMeans, Treasurer of State, was unanimously chosen as the presiding officer of the meeting. The following officers were also duly elected: Vice-Presidents—Francis Tukey, H. H. Stanley, A. A. Bennett, Robert Robinson, of Sacramento, and Judge Cook, of Prairie City; Secretaries—P. H. French, G. Backus.¹¹

⁶ *Alta California*, August 18, 1855.

⁷ *Ibid.*, July 21.

⁸ *Alta California*, July 14, 1855.

⁹ *Union*, July 21, 1855; *Alta California*, July 19, 1855.

¹⁰ *Union*, June 25, 1855.

¹¹ *Union*, June 25, 1855.

After the opening remarks by President McMeans, in which he "avowed himself as an open and uncompromising advocate of the principles of the great American party of the Union," the assemblage was addressed by the following speakers: Wilson D. Flint, David S. Terry, ex-Governor Foote (of Mississippi), Bailey Peyton, and C. E. Marshall. These "spell-binders" held the audience with patriotic explanations of this great "American" party, and with ridicule and scorn for the existing Democratic organization in the state. Ex-Governor Foote read the platform and principles of the national Know Nothing Order, and the next speaker, Bailey Peyton, declared:¹²

"Fellow Whigs, fellow Democrats, the Americans are unmasked tonight; 'Sam' is out; the Guyascutus is loose. You have heard our principles stated correctly; it has been objected that our organization is a secret one; that objection exists no longer."

The opening gun of the Know Nothing state campaign had been fired, and the Order had declared that secrecy was abandoned, and had publicly announced its principles. Similar enthusiastic gatherings of "Americans" elsewhere were addressed by the same speakers, who proceeded to "stump" the state for the Know Nothings. On June 25, a great celebration, with a procession to welcome the speakers, took place at Diamond Springs. It was declared that no such demonstration had been witnessed "since the contest of 1840."¹³ A similar celebration took place on June 30 at Placerville. The Know Nothings were clearly working up enthusiasm prior to the meeting of their nominating convention.

Meanwhile, local councils were selecting their delegates to the nominating convention, which met at Sacramento, August 7.¹⁴ In the weeks preceding the convention, the various papers of the state kept up a continuous discussion of the prospects of the Know Nothings in the coming election. Nearly all of the papers conceded that they had great opportunities for a victory, but declared that the success of the new "American Party"¹⁵ would depend upon the wisdom shown in nominating good men for office, and in avoiding a split between the many diverse elements comprising its membership.¹⁶ The *Sacramento Tribune* was the most prominent Know Nothing paper and its daily issues were filled with "American" propaganda. The *Democratic State Journal*, also published at Sacramento, was their most bitter opponent, and it devoted an ever-increasing amount of space in its columns to condemning the Know Nothings and to arousing and encouraging their opponents.¹⁷ The *Journal* praised the Democrats, encouraged Freedom's Phalanx, and cursed the Know Nothings. It was severe in its criticism of the "attempts made in various parts of the state to give

¹² *Ibid.*

¹³ *Union*, June 25, 1855.

¹⁴ *Chronicle*, July 25, 1855; *Journal*, July 14, 1855.

¹⁵ The name "American Party" was now used by the Know Nothings. The exact time of its adoption is not clear.

¹⁶ *Alta California*, August 8, 1855; *Union*, August 6, 1855.

¹⁷ *Journal*, July 28, 31, August 6, 1855, encourages Freedom's Phalanx.

a Know Nothing coloring to the Fourth of July celebration." Specific instances were cited.¹⁸

... At Downieville a large number of citizens were so insulted that they were compelled to withdraw when the oration was delivered; and at American Valley, in Plumas County ... the Hon. E. C. Marshall made a regular American speech. A Democrat arose to reply, but the chivalrous crowd hooted him down ... No hoax of this kind can possibly succeed ...

The opponents of the Know Nothings were delighted over the split in the National Council at Philadelphia. They believed that the California Know Nothings would be in a dilemma when they came to adopt a state platform at the coming convention. This view was expressed as follows:¹⁹

... It is worthy of remark that the Southern wing of the national Know Nothings adopted the anti-Catholic test, which here in California the Hindoos (Know Nothings) profess to repudiate. Now the California lodges cannot rid themselves of the responsibility. Their National Council declares that there shall be a religious test—that as a national party, and in the presidential campaign, anti-Catholicism shall be emblazoned on their banners. Pshaw! Whither will the Californians fly? ... [To] northern Know Nothingism with its abolitionism or southern Know Nothingism with its anti-Catholicism. ... God is with Democracy.

But the Know Nothing state convention adroitly handled this delicate situation. The convention met at Sacramento, August 7, 1855, and was preceded by an enthusiastic mass meeting of the "Americans" in front of the Orleans Hotel on the evening of August 6. The three hundred and seventy delegates to the Know Nothing nominating convention first met in the Congregational Church on Sixth Street. After selecting Samuel Smith, of Yuba, and Charles Miller, of San Francisco, as temporary chairman and secretary, respectively, the convention appointed a committee on credentials, and passed a resolution to admit only those members of the press who were third degree members of the Order. At the afternoon session a committee, consisting of one delegate from each county, was appointed to "nominate and report permanent officers and rules for the government of the convention." The report of this committee was adopted, at the evening session, and the following were selected as permanent officers of the convention:²⁰

President—JAMES W. COFFROTH.

Vice Presidents—A. MEANS, ISAAC DAVIS, JAMES CHURCHMAN, WM. THORNBURGH, H. BATES, J. TOOKER, CHARLES FORD, T. W. ROBERTSON, L. H. BASCOM, ROBT. MCCALL, S. C. HASTINGS, E. L. BOND, and H. B. LATHROP.

Secretaries—CHARLES H. MILLER and WILLIAM F. VAUGHN.

Marshal—ALEX. COFFIN.

The convention immediately took up the consideration of the principles of the Order, and with little discussion unanimously adopted a state platform.²¹

¹⁸ *Ibid.*, July 12.

¹⁹ *Ibid.*, July 14.

²⁰ Reports of the sessions of the convention may be found in the *Union*, *Journal*, and *Tribune*. (See also Davis, 42.)

²¹ "The American party of California, in convention assembled, declare the following as the principles of their association:

1. The maintenance and support of the Union against all attempts to overthrow or undermine it.
2. The supremacy of the constitution and laws of the republic.
3. A judicious revision of the laws regulating naturalization.
4. Universal religious toleration.
5. No union of church and state.
6. Inflexible opposition to the appointment or election to offices of trust, honor, or

On the following morning, August 8, it was resolved by a vote of 185 to 62; " . . . that this convention approve of the temperance reform now going on throughout the state, and that we will nominate none for office but men of high moral character and known habits of temperance."

The platform was most admirably adapted to the needs of the Know Nothings in California. They maintained that they had a "perfect right to alter the Philadelphia platform,"²² and consequently adopted a very cleverly worded platform, briefly expressing those general principles which were most likely to hold together the diverse elements of their Order.

This was very cunningly managed. It was adopted at a time when the hopes of the candidates were all high, and as it contained nothing but words to which every member of the Convention could subscribe, no one dared to prejudice his chances for a nomination by introducing such a thing as a "living issue." This was very adroitly managed by Mr. Crabb,²³ and very likely saved the Convention from a great deal of wrangling, and perhaps a grand breaking-up like that at Philadelphia.²⁴

The only real expression of nativist principles appeared in the eleventh section of the platform, and here it was in the mild phrase declaring that eligibility for office should be restricted to persons "born on some part of the territory included within the jurisdiction of the United States." The platform merely called for a "judicious revision" of the naturalization laws, without specifying what it considered judicious. Section four disavowed anti-Catholicism, while sections five and six satisfied the "proscriptionists" by advocating "no union of church and state," and opposition to the holding of office by those "who are not truly national in feeling," or who "acknowledge allegiance to any foreign government."

The much-feared slavery controversy was briefly handled in the twelfth section, which declared "opposition to the agitation of all questions of a merely

emolument, of all who are not truly national in feeling, and especially of all who acknowledge allegiance to any foreign government.

7. A stern and unqualified opposition to all corruption and fraud in high places.

8. The preservation of the purity of the ballot box, and with a view thereto, the early adoption of a judicious registration law in the cities, so as entirely to prevent the fraudulent multiplication of votes.

9. The immediate appropriation by Congress of either money or land, or both, in sufficient quantities to secure the early establishment of a railway from the Pacific ocean to the Mississippi river.

10. The most liberal and just legislation in favor of that portion of our population known as "settlers."

11. Eligibility to office, both in the states and nation, should be restricted to persons born on some part of the territory included within the jurisdiction of the United States.

12. The firmest and most enduring opposition to the agitation of all questions of a merely sectional character.

13. Retrenchment and reform in the civil administration in California, by reducing the expenses of government, and lessening the burthens of the taxpayers.

14. To apply in all cases, the Jeffersonian test in selecting men for office, viz.: Is he honest? Is he capable? Will he support the constitution?

15. Utter disregard of ancient party names and worn-out party issues, and cordial confraternity with all who are willing to cooperate with us in support of the principles herein set forth." (*Union*, August 7, 1855; Davis, 42.)

²² Journal, August 7, 1855.

²³ Henry A. Crabb, of San Joaquin, Whig leader in the state senate, 1854. (See Bancroft, VI, 686.)

²⁴ *Alta California*, August 9, 1855.

sectional character." Of this section of the Know Nothing platform, the *Alta California* declared:²⁵

The twelfth section cunningly avoids the rock on which it was feared the Convention would split. It merely deprecates agitation, without saying whether it is agitation or not to oppose the invasion of armed bullies into a territory (Kansas) for the avowed purpose of establishing their favorite institution (slavery). Had they been a little more explicit in this matter, . . . we should know whether it was our duty to denounce or defend mob law in Kansas.

Once this delicate task of devising a suitable platform had been accomplished, the Know Nothing convention eagerly turned to nominating candidates for state offices. Nominations were completed on August 8 and 9, and the results were as follows:²⁶

KNOW NOTHING TICKET FOR 1855²⁷

For Governor.....	J. NEELY JOHNSON, of Sacramento.
For Lieutenant-Governor.....	ROBERT M. ANDERSON, of El Dorado.
For Supreme Court Justice	
(full term).....	HUGH C. MURRAY, of Sacramento.
(short term).....	DAVID S. TERRY, of Stockton.
For Controller.....	GEORGE W. WHITMAN, of Tuolumne.
For Treasurer.....	HENRY BATES, of Shasta.
For Attorney-General.....	W. G. WALLACE, of Santa Clara.
For Surveyor-General.....	JOHN A. BREWSTER, of Sonoma.
For State Printer.....	GEN. JAMES ALLEN, of the Marysville <i>Herald</i> .
For State Prison Inspectors.....	ALEX BELL, of Los Angeles,
	F. S. MCKENZIE, of Trinity,
	EZEKIEL WILSON, of San Francisco.

On Thursday, August 9, 1855, the Know Nothing state convention, having completed its work, took up a collection of \$860 to defray expenses,²⁸ and adjourned *sine die*. In the evening of the same day, there was a "grand ratification meeting of thousands of Americans" in front of the Orleans Hotel.²⁹ This meeting was addressed by the various nominees, and its enthusiasm was considered to have been an expression of approval of the ticket chosen by the convention.

²⁵ *Alta California*, August 9, 1855.

²⁶ *Union*, August 9, 10, 1855.

²⁷ Others placed before the convention for the various officers were:

For Governor, Drury P. Baldwin, of Tuolumne; J. W. Coffroth, of Tuolumne; James M. Wade, of San Francisco; W. W. Stow, of Santa Cruz; Judge J. H. Ralston, of Sacramento; E. C. Goodwin, of Yuba; and Gen. John Wilson, of Shasta.

For Lieutenant-Governor, Dr. T. J. White, of San Francisco; D. R. Ashley, of Monterey.

For Justice of the Supreme Court (full term), Lorenzo Sawyer, of Sacramento; Green C. Martin, of San Francisco.

For Justice of the Supreme Court (short term), R. N. Wood, of Contra Costa; Mr. Mott, of Yuba; J. Curry, of Solano; Lorenzo Sawyer, of Sacramento.

For Controller, Sam Bell, of Mariposa; John F. Miller, of Napa; Nicholas Carroll, of Yuba; E. A. Rowe, of Trinity; John Gray, of San Francisco; and W. B. May, of Trinity.

For Treasurer, J. B. Laforge, of Calaveras; Dr. Thomas Paine, of Mariposa; N. C. Cunningham, of Sierra; A. H. Murdock, of Humboldt; Dr. J. C. Curtis, of Yolo; Richard Chenery, of San Francisco; H. H. Means, of Alameda.

For Attorney-General, Wm. M. Stewart, of Alameda; G. B. Tingley, of San Francisco; A. B. Dibble, of Nevada; H. Lee and A. Ely, of San Francisco; H. Allen, of Contra Costa; Henry Meredith, of Sacramento.

For Surveyor-General, Lansing Tooker, of Butte; A. S. Easton, of San Francisco; Theo. D. Judah, of San Francisco.

For State Printer, John K. Lovejoy, of the Gibsonville *Messenger*; Paul Morrill, of the Sacramento *Union*; W. R. Butts, of Los Angeles; John A. Lewis, of San Francisco.

²⁸ Know Nothings had no regular fees. (See Chapter I.)

²⁹ *Union*, August 10, 1855.

Such enthusiasm was not universal, however, for some of the nominations had caused even the staunchest supporters of the Know Nothings to express their doubts. Although the convention had been composed of better men than were ordinarily members of such bodies, and most of them had desired to act for the best interests of the state, too many "wire-pullers" of the two old parties had found a place in their ranks. "Not a whisper of reform in the enormous expenses of the State, or of a reduction of the burdens of the people was heard." The reform party forgot its mission, and the old tricks of log-rolling, trading, and electioneering took place in the Know Nothing convention.⁸⁰

The nomination of Hugh C. Murray for reelection as Justice of the Supreme Court caused considerable criticism. The *Union* declared that "the very strongest electioneering" was done for this office. The *Alta California* declared:⁸¹ "The nomination of Hugh C. Murray, to the Supreme Court, for the term of six years, is the one that excites the most attention, and will inevitably break down the ticket. No ticket can bear such a load. The people of San Francisco who know him best, will not vote for him under any possible contingency . . ."

However, the Know Nothing ticket was in the field; the wires were pulled; the successful nominees and their friends were enthusiastic; and, after a momentary reaction, the majority of the members of that peculiar Order fell into line and worked for its success in the coming election.

Know Nothing opponents did not offer any better candidates to the voters. Democrats had called upon the factions of their party to unite and oppose the rising tide of Know Nothingism which threatened to engulf them.⁸² Consequently, the state committees of the two wings of Democracy met and harmonized, issuing a joint call for a state convention.

The joint Democratic state convention met, on May 23, 1855, and after adopting its platform nominated a state ticket.⁸³ Anti-Know Nothing resolutions were offered in various forms, and, of the thirteen resolutions finally adopted, the following referred to that Order:

8. That all secret political organizations, bound together by pledges and oaths, having for their object the proscription of any American citizens, are contrary to the spirit of our free institutions, treasonable in appearance, if not in design, and should receive, as they deserve, the just animadversion of all good citizens.

9. That the democracy of California abhor and repudiate as un-American and anti-Republican, the proscription of a man for the accident of his birth, or for his religious opinions; and in this crisis of American liberties, institutions, and ideas,

⁸⁰ A Whig Know Nothing editor said:

"We confess to have been sadly disappointed. In our experience in political conventions, we have never known one subjected to a greater extent to those arts and influences relied upon by trading politicians to accomplish their ends. Results were apparently controlled by combinations, formed outside the convention, and founded upon anything else than the good of the state or of the Order. . . . The thousand and one candidates and their friends seemed alone bent on obtaining the offices, and dividing the largest possible amount of spoils. . . ." (*Union*, August 11, 1855.)

⁸¹ *Alta California*, August 9, 1855.

⁸² Davis, 38, 39.

⁸³ Account taken from Davis, 40.

they reaffirm and proclaim in full force the universal democratic doctrine of "equal rights to all under the constitution and laws"—and declare in the immortal words of the greatest American patriots, that "any man conducting himself as a good citizen is accountable to God alone for his religious opinions, and ought to be protected in worshipping the Deity according to the dictates of his own conscience."

10. That we do now cordially invite all our former political brethren who may have strayed from us for a time, attracted by curiosity or otherwise, and who have joined themselves to secret political Orders, to return to us and with us defend the principles of their former faith, and abandon institutions which the daily current of events is developing to be founded on intolerance, and controlled by men dangerous to the permanency and welfare of our government.

11. That we will neither nominate nor support any man for office who will not pledge himself, and subscribe to the foregoing platform and resolutions.

Candidates for nomination were required to "specifically declare themselves before the convention on the questions of Know Nothingism." The Democrats decided to support Governor John Bigler for a third term, and then nominated the following ticket:

For Governor.....	JOHN BIGLER.
For Lieutenant-Governor.....	SAMUEL PURDY.
For Justices of the Supreme Court.....	
(long term).....	MYRON NORTON.
(short term).....	CHARLES H. BRYAN.
For Controller.....	THOMAS C. FLOURNOY.
For Treasurer.....	B. F. KEENE.
For Attorney-General.....	B. C. WHITING.
For Surveyor-General.....	S. H. MARLETTE.
For Printer.....	GEORGE H. CROSSETTE.
For State Prison Directors.....	C. F. POWELL,
	W. H. BELL,
	SAMUEL C. AUSTIN.

The Whigs held no convention in 1855 because their party in California had virtually disbanded, and most of its members had entered the Know Nothings. It was rumored that the old Whig leaders sent out a secret circular endorsing the Know Nothing ticket.³⁴ J. Neely Johnson, the Know Nothing nominee for governor, had been president of the Whig convention of 1854,³⁵ and his position on the Know Nothing ticket showed how well the Whigs were grafted on to the new Order.

There were several other state conventions, however. A state temperance convention met at Sacramento, on June 20, 1855, and again on August 22.³⁶ There was also a Settlers and Miners convention at Sacramento, August 8. This convention adopted a lengthy platform touching upon the needs of the miners and settlers of the state, and opposing the "indiscriminating confirmation of Mexican grants to lands, which have been purchased as speculations."³⁷ They resolved to support no man for office who did not endorse their platform.

Freedom's Phalanx, the anti-Know Nothing organization of naturalized citizens, played some part in the campaign. They held several local conventions, nominating county officers and members of the legislature. Such a convention met at Sacramento on July 26, and it brought forth jeering comments from the

³⁴ *Alta California*, August 11, 1855.

³⁵ See Davis for convention record. See also Sacramento *Pictorial Union*, January 1, 1856, for a biographical account and portrait of Johnson.

³⁶ Davis, 45.

³⁷ *Ibid.*

Know Nothing press. The "Phalanxers," however, were encouraged by the Democrats, who were intent upon aiding every enemy of the Know Nothings as a worker for "Democracy." In fact, the Democratic organization, then under the control of Broderick,³⁸ was largely made up of Irish and German naturalized citizens.³⁹

Campaign speeches were largely devoted to the question of the enormous burden of taxation due to increased state expenses, and to the record of Governor Bigler in regard to the state prison contracts. Bigler defended his record by pointing to his vetoes of certain extravagant measures, but his opponents declared that he had signed similar bills plundering the treasury of far greater sums. The temperance question, as well as those of "land grants," and "treatment of naturalized citizens," also played a part in the campaign. The election was held on Wednesday, September 5, 1855, and the Know Nothings elected their entire ticket.⁴⁰

The relative strength of the Know Nothings in the various counties of the state may be determined from the following table of the votes cast for Governor (*Union*, October 3, 1855; *Chronicle*, October 4, 1855):

COUNTY	VOTES FOR JOHNSON (Know Nothing)	VOTES FOR BIGLER (Democrat)
Alameda	625	1088
Amador	2035	1719
Butte	1694	1411
Colusa	76	
Calaveras	2240	2220
Contra Costa	360	407
El Dorado	4929	3948
Humboldt	282	77
Klamath	545	482
Los Angeles	556	923
Monterey	484	180
Mariposa	1255	961
Marin	178	333
Merced	102	85
Napa	519	261
Nevada	2861	2502

³⁸ Broderick led the "Tammany" faction, whose headquarters were in San Francisco. This was the "electionist" faction. (See Chapter III.)

³⁹ Bancroft, VI, 694.

⁴⁰ Votes cast for the candidates of the two contending parties were as follows (Senate Journal, 1856, 87, 89; Davis, 50):

	KNOW NOTHING JOHNSON—50,948	DEMOCRAT BIGLER—45,937
Governor.....		
Judge Supreme Court.....		
(long term).....	MURRAY—48,141	NORTON—47,734
(short term).....	TERRY—49,677	BRYAN—46,734
Lieutenant-Governor.....	ANDERSON—49,385	PURDY—47,669
Controller.....	WHITMAN—49,385	FLOURNOY—46,691
Attorney-General.....	WALLACE—50,113	WHITING—46,685
Treasurer.....	BATES—49,947	KEENE—46,941
Surveyor-General.....	BREWSTER—49,994	MARLETTE—46,977
Printer.....	ALLEN—50,060	CROSSETTE—46,696
Prison Directors.....	A. BELL—49,789	H. H. BELL—46,818
	McKENZIE—49,644	POWELL—46,132
	WILSON—50,550	AUSTIN—46,785

Plumas	1111	736
Placer	3128	2312
San Diego	17	204
San Bernardino	14	332
Santa Barbara	39	333
San Luis Obispo	45	118
Santa Cruz	347	255
Stanislaus	245	299
Sacramento	3544	2912
Solano	753	591
Siskiyou	2045	1368
Shasta	1418	1302
Sutter	340	381
Sierra	3070	2148
Santa Clara	1135	994
San Joaquin	1447	1026
Tuolumne	2805	2391
Trinity	1132	517
Tulare	140	204
Yolo	603	560
Yuba	2728	2283

In addition to electing their entire ticket of state officers, the Know Nothings gained a majority in both houses of the state legislature.⁴¹ Thus, at the beginning of 1856, the Know Nothings were the dominant party in California, and on January 10 their newly elected Governor delivered his inaugural address to the legislature, in which sat a majority of Know Nothing senators and assemblymen. However, possession of a mere majority was not sufficient to guarantee absolute control over the legislature's acts. The Know Nothing majority was not an organized political party, but rather a "conglomeration of the discontented of two organized and trained parties." Such a group "could not be expected to hold together a moment after any material inducement was offered them to return to their former faith."⁴²

The new legislature convened on January 8, 1856, and on the following day both houses succeeded in organizing. The votes cast for officers indicated the relative strength of the Know Nothings and their opponents. James T. Farley, Know Nothing, was elected speaker of the assembly by a vote of 55 to 21.⁴³ The Know Nothings had plenty of strength there. But, in the senate, D. R. Ashley, Know Nothing, was elected president *pro tem* by the close vote of 16 to 14.⁴⁴ Their majority was dangerously small in the senate, and any backsliding on the part of Democrat Know Nothings would throw the majority to the Democrats.⁴⁵

⁴¹ The *Chronicle*, October 4, 1855, seems to be in error in declaring that the new legislature consisted of 72 Know Nothings, 39 Democrats, and 2 Whigs, with a Know Nothing majority of 4 in the senate and 19 in the legislature.

⁴² Bancroft, VI, 697.

⁴³ *Assembly Journal*, 7th Session, 1856, 1, 4.

⁴⁴ *Senate Journal*, 7th Session, 1856, 13.

⁴⁵ According to the early votes in the senate, the Know Nothings and their opponents were lined up as follows (*Ibid.*):

KNOW NOTHINGS: Ashley, Burnett, Bynum, Coffroth, Cosby, Ferguson, Fiske, Hawks, Hawthorne, McCallum, McCoun, McGee, Scellen, Waite, Westmoreland, Wilson, Farley—18.

OPPOSITION (Democrats): Burton, Crandal, Day, Dosh, French, Gove, Heintzelman, Hook, Lippincott, Mandeville, McNeill, Norman, Rust, Shaw, Tilford, De La Guerra—16.

The first important task before the new legislature was that of electing a United States Senator. The Democrats had split, in 1854, when Broderick tried to gain the election two years before a vacancy occurred, but now, with a majority in both houses, the Know Nothings seemed certain of electing one of their number to fill that high office.

In order to elect a United States Senator, it was necessary for the legislature to meet in joint session on such a day agreed upon by both houses. On January 10, the assembly passed a resolution to go into joint session on the senatorial election.⁴⁶ The same resolution was offered in the senate, but, in the snarl which followed, the Know Nothings were given a lesson in parliamentary manœuvres.⁴⁷ Action on the resolution was postponed, and it was made special order for Tuesday, January 15.⁴⁸ The assembly patiently awaited the senate's action, knowing that in the joint session the combined Know Nothing vote would produce a substantial majority and insure the election of a Know Nothing.

However, when the resolution again came before the state senate, action was postponed once more. Know Nothings blamed senator Wilson D. Flint—a Democrat Know Nothing⁴⁹—for their failure to pass the resolution. Flint declared that as a member of the dominant party he was unwilling to go into convention to elect a senator until after selection of the senator had been made in a party caucus.⁵⁰ He was opposed to the dominant candidate, Ex-Governor Foote, of Mississippi, because "Foote was a pro-slavery politician who would never have come to California except to obtain office."⁵¹ Flint, Fiske, and Wilson deserted the Know Nothings in the senate and voted with the Democrats to postpone consideration of the resolution until Tuesday, January 22.⁵² Judge Tilford expressed the views of the Democrats when he declared his opposition to the election of a senator during the present session because the "present majority of the legislature did not represent a majority of the people." The Democrats wished to postpone the senatorial election until they could win back a majority in the legislature.

Meanwhile, the Know Nothings met in caucus on the senatorial question. The leading candidates were Foote, Crabb, Marshall, and Ferguson. At a party caucus, January 18—from which both Flint and Fiske were absent—no candidate received a majority. Balloting continued on January 21, and 22, until finally Foote was declared nominated.⁵³

But the selection of Foote as the Know Nothing candidate threw those opposed to him into the opposition, and gave the Democrats control of the senate. When the resolution to go into joint session for the election of a United

⁴⁶ *Assembly Journal*, 7th Session, 1836.

⁴⁷ See O'Meara, James, *Broderick and Gwin* for an enlightening and amusing account of this "deal."

⁴⁸ *Senate Journal*, 7th Session, 1856, 108, 114.

⁴⁹ Flint joined the Know Nothings in San Francisco, 1854, and was elected to the senate by the Rose Water Democrats and the Know Nothings. (See Chapter III.)

⁵⁰ *Union*, January 16, 1856.

⁵¹ Bancroft, VI, 698.

⁵² *Senate Journal*, 7th Session, 1856, 129.

⁵³ *Union*, January 19, 22, 23, 1856.

States Senator came before the senate on January 22, that body postponed action on it indefinitely—Know Nothing senators Fiske, Flint, and Wilson voting with the Democrats⁵⁴ On January 23, the senate responded to a new resolution by adopting a substitute, which declared it inexpedient, and contrary to the wishes of a majority of the people of the state, to have a senator elected during the present session.⁵⁵ The Know Nothings had failed, and by this action the senatorial election was postponed until January 1, 1857.

Their first failure was significant as to the future acts of the Know Nothings in office. Divided into groups of selfish politicians, each intent upon individual gain, the Know Nothing legislators were never organized and disciplined under a strong party leadership. Some reform was expected from the Know Nothing regime. Governor Johnson was sincere in his inaugural promises, and he gave "much earnest advice to the legislature."

. . . But it required a man of extraordinary nerve and a powerful personal magnetism to impress himself upon the turbulent and evil times to which the state was reduced by politicians who cared nothing for the welfare of the people, and everything for money and personal aggrandizement. The welfare of the people! Why, these lawyers, judges and fire-eating politicians were the scum of the state. They were thieves, gamblers, murderers, some of them living upon the proceeds of harlotry, and all of them having at heart the same consideration for the people that had the occupants of the state prison . . .

Johnson was a very weak individual. He could no more control this hybrid legislature than could a child . . . He advocated economy and probity . . . and yet the state treasurer (Henry Bates) elected with him was a defaulter to the amount of \$124,000 . . .⁵⁶

The Know Nothings were a disappointment in office. There was no action which indicated nativist principles, and the few outstanding pieces of legislation were of a non-partisan character.⁵⁷ One of these was an act providing for the construction of the state capitol, and although this act was later declared unconstitutional, it was the forerunner of "subsequent acts under which the capitol at Sacramento was finally constructed."⁵⁸ Perhaps the most important piece of legislation passed by the Know Nothing legislature was an act repealing the old charter and consolidating the city and county of San Francisco under a new government. This "consolidation act," and the work of the Vigilance Committee of 1856, produced a "revolution and reform" in the government of that city.⁵⁹

On April 21, the legislature adjourned, leaving Governor Johnson just at the beginning of his struggle with the San Francisco Vigilance Committee. Weak and vacillating, Johnson proved unable to cope with the situation in San Francisco, and it was largely through his futile opposition to the Vigilance Committee that his prospects and reputation were wrecked.⁶⁰

When the speaker, James T. Farley, declared the Know Nothing legislature

⁵⁴ *Senate Journal*, 7th Session, 1856, 160.

⁵⁵ *Ibid.*, 166.

⁵⁶ Bancroft, VI, 700.

⁵⁷ Hittell, IV, Chapter 7 is devoted to the Johnson administration.

⁵⁸ *Senate Journal*, 1856, 506, 767; *Assembly Journal*, 1856, 769, 776; *Statutes*, 1856, 110.

⁵⁹ Bancroft, VI, 701; Hittell, IV, 189.

⁶⁰ Hittell, IV, 192.

adjourned *sine die*, on April 21, 1856, he added a few remarks which were significant as to the work accomplished by that body. He asked:⁶¹

How many of us have remembered that, before we were permitted to enter upon our duties, we solemnly pledged our honor and recorded our oaths to the effect that in all our official conduct we would act only for those whom we represent and not for ourselves? Have we all fulfilled these obligations or have some of us been willing to sink our honor, our oaths and our most sacred offices to increase our own transitory fortunes?

The answer was apparent. Few were those in the Know Nothing legislature of 1856 who were above the political corruption so prevalent in past sessions of that representative body. Believing from the start that the Know Nothing organization was temporary, the politicians and their friends gave no consideration to its future and cared nothing for its accomplishments in office, but, in the customary "log-rolling" manner, dealt out the spoils of office for private gain.

[TO BE CONTINUED]

⁶¹ *Assembly Journal*, 1856, 864; Hittell, IV, 192.

"CALIFORNIA'S BANTAM COCK"

THE JOURNALS OF CHARLES E. DE LONG, 1854-1863

Edited by Carl I. Wheat

(CONTINUED)

THE JOURNAL FOR THE YEAR 1856*

JANUARY 1856

Tue. 1, — Went to Oregon Hill to arrest D V Dingman¹ did not find him, felt dizzy, lonesome, and bad. played rounce in the evening. Rhodes came down gave bonds and dismissed the suit I paid costs.

Wed. 2, — Frank came down and went up after Dingman; no go. Tolls paid me up. Lawyers came down I paid bill five dollars; Wrote to M W N and Jim, feeling very bad.

Thu. 3, — Arose early in the morning, frost as heavy as a snow Appraised Cramer and Co's store, as per order of Court with Frank Davis and J B Whitcomb

Fri. 4, — Staying home under the weather, the sky clear as summer with very cold nights and heavy frosts

Sat. 5, — Arranged the mistake in taxes with Dixon and collected of Arthur Miller his Tax. Arrested a Chinaman on charge of Murder, a good lot of em after him like blood hounds, dropping papers.

Sun. 6, — Staying home. spent most of my time with the women folk's and thinking of home; Chinaman tried to get him, found they could not get him and then offered three hundred dollars for him.

Mon. 7, — Done the same to day. member's came down on their way to the Capitol. Loaned Senator Lippincott dollars the same being secured by John K. Atchison.²

Tue. 8, — Weather cloudy, went up in the evening to attend a Ball at Stroud's in Greenville,³ four Women there and but five or six men, had a good time, except a bad head ache

*During 1856 De Long continued to live in the Yuba mountains. January found him still at work as Deputy Sheriff collecting the "foreign miners" tax and "tending court" in the mountain Justice of the Peace courts. He was also a partner of George H. King in a general store at Young's Hill. Early in March he went to Sacramento as a delegate to the State Democratic convention, and about the same time he lost his tax collecting position and commenced active participation in keeping the store, moving to Young's Hill to live. There he built a small dwelling house. A side-line during this year was a small livery stable which he and one Harvey Carpenter opened in June.

Before the end of the year De Long began giving more and more time to the law, often representing parties in litigation before the local courts. He was ever active in politics, and led a "Buchanan-Breckenridge" Club at Young's Hill. A debating society, first known as the Lyceum and later as the Ugly Club, came in for enthusiastic attention, and toward the end of the year the "Thespian Society" was formed at Young's Hill, with De Long as Stage Manager. It was one the earliest amateur theatrical organizations in the State.

Business was poor, however, and the year closed with the entry "Dull times; no money, in debt, and stormy weather."

Wed. 9, — Returned home in the rain, and slept off the effects of the spree, hired my John out to Lewis and Murray to set up pins, to go up on Friday

Thu. 10, — Raining hard to day and comes decidedly acceptable; Wrote a long letter to Mrs. C E D L; attended a tete tete at Mrs Christian's on her birthday, had a pretty good time

Fri. 11, — Started for M'ville, mare gave out, sent her on a Ranch, went on with J Ferris; who was going home rode until in the night got in about 9 O'clock both boots full of water, put up at the Western

Sat. 12, — Got dust assayed saw the operation; bought goods of Fall & Co and others paid Reinhart \$174.00, Fall & Co \$243.00, Watts \$69.00 Amy & Co⁴ \$18.00, Hardware & Crockery used some considerable County funds.

Sun. 13, — Layed off feeling very sick felt better in the afternoon Johnny and I talked of home Wrote a letter to Mrs C E D L. he promised to call and deliver it; run around town and then turned in feeling better

Mon. 14, — Came home, after buying Johnys horse for \$65.00; took on a Mexican and then a Chinaman found out that my John had gone with Lockwood

Tue. 15, — Wrote a Letter to M W N finished it up in a hurry went up to Youngs Hill on Business, stopped all night, found King had credited out \$1700. already

Wed. 16, — Stayed home until afternoon began to feel bad and went over with him to Camptonville, stayed there all night;

Thu. 17, — Went to Columbia Hill,⁵ to see about some claims of mine came back to Emory's Crossing and stopped all night, found he had paid his Taxes in Marysville

Fri. 18, — Went to Indian Springs,⁶ from there to Celestial Valley to the Junction House, and Wisconsin House,⁷ and from there home without collecting a cent in all day, loaned Frank \$40.00

Sat. 19, — Was Subpoenaed on a sherifs trial of property⁸ at Oregon Hill, went up gave in my testimony and bought out Hank Goodfellow⁹ in his claims at the mouth of Oregon Creek; gave him \$30.00

Sun. 20, — At home doing nothing but getting ready for tax collecting,

Mon. 21, — Started for Strawberry Valley arived there done some collecting, had to wait until morning to get a mule as the snow was too deep to travel with a horse

Tue. 22, — Storming like thunder blowing and snowing kept it up all day without intermission. finished with a rain had to keep housed doing nothing

Wed. 23, — Left in Storm for Oregon Creek to attend court as a witness got there safe, gave in my testimony; settled with Rhodes, paid me \$50 cash; Note for \$100, first \$50 on books and Frank's debt of \$59.00. Went to White Maple Spring

Thu. 24, — Went around by Indiana Ranch, Keystone Dobbins, Kentucky,¹⁰ Calafornia,¹¹ N. Y. Store [?] and Oregon House,¹² got there at night put up, had dam poor luck

Fri. 25, — Went up to Dry Creek, to all the Saw Mill Mills, could not get the tax off of only one, went to Beaver Ranch,¹³ had a little row with Wm. G Rice, took papers containing act of cruelty of tax Coll. — to Saw Mill Cottage,¹⁴ asked there about Stopped at New York Ranch

Sat. 26, — Came up to Straw Berry Valley with Carr had to wait over night to get a mule to go above with

Sun. 27, — Went up to Rabbitt Creek¹⁵ and saw Schultz would not pay the taxes so I had to advert[i]se to sell the house on Friday.

Mon. 28, — Came down to Claytons, and from there to N Y Flat looked stormy could not find all of my men at home had to stay all night

Tue. 29, — Raining like thunder all day, went around collected some and some promises to pay in the morning went over to Forbestown with Moore

Wed. 30, — Still raining found I could not get all of my taxes so I left some receipts with Moore and came over to New York House¹⁶ and stopped all night

Thu. 31, — Went up to Pine Grove Mill,¹⁷ Oro Lewa, and Hampshire Mill did not get but one tax then went to Strawberry Valley and stopped all night.

FEBRUARY 1856

Fri. 1, — Hired a mule went to the Lexington House¹⁸ put it up for Auction could not get a bid went to Rabbit Creek, came back put it up and sold it for \$120; came down to Buck Ey[e]¹⁹ got tax there come down to the Valley; somersets

Sat. 2, — Left the valley came to Ora Lewa down to Brownville; and there to Harrisons on the Honcut, then to Page's and Washington mill,²⁰ advertised Asa Ellis'es house for sale then came up to New York House

Sun. 3, — Went to Saw Mill and Buccleugh's, up to Kitts Thompson absent hunted him up went to Allen & Colbeys. No Letter by the Stage

Mon. 4, — Still N Y Ranch waiting for a letter, got one about an hour before dark got one and went to Fosters after dark.

Tue. 5, — Went up to Young's Hill Coll[ected] all day did not get through stayed all night saw George Mix invited to his wedding; reced neck tie in a letter from Mrs C E De Long of Utica

Wed. 6, — Finished up at noon then went to Fosters with Gus Lewis George and Mrs. Stafford married²¹ got gloriously drunk and had a grand chiverie

Thu. 7, — Went to Galena Hill pitched in good got through at night went to Camptonville attended Keelers wedding had a big ball and good time, swore off drinking for a year²²

Fri. 8, — Went to Rail Road Hill finished Collecting there and came

down to Fosters Bar and stopped all night made an agreement with Frank to one or the other take the office without the other

Sat. 9, — Left Fosters went to N Y Flat and down Dry Creek to Oregon House; hard days ride, storming some tired as thunder

Sun. 10, — Went up to Kentucky Ranch Coll Tax back to Oregon House and then made up ac[coun]ts and layed off

Mon. 11, — Went to Stanfields thence up to Gragges²³ on Ridge Road then down to Lafertys and back to Stanfields Ranch stayed down there all night; had a little game of poker

Tue. 12, — Went to Marysville rode in with a drover, warm pleasant day began to feel strange sensations cut around town pretty late and had a poor nights rest.

Wed. 13, — Felt dull and bad all day long but not very bad, done nothing Mat Woods in town prospects for him or myself receiving our appointments look bad

Thu. 14, — About the same to day but feeling a little better.

Fri. 15, — Fine weather loafing around settled with Felton,²⁴ found I was \$143.00 loser on two months coll beside time and use of horse Mat going to find out result I agreed to wait until next day

Sat. 16, — Mat left town without my seeing him, began to feel very nervous and bad and towards evening thought I was going crazy went up and saw Belle with Reinhart.

Sun. 17, — Came home with uncle John Atchison felt better some got home after dark found all well

Mon. 18, — Stayed on Fosters all day doing nothing fine weather.

Tue. 19, — Went to Oregon House to a Convention,²⁵ was appointed a delegate to attend State Convention from 5th District with W F Smith came home com[mence]d raining just after I arrived

Wed. 20, — Raining like fury Frank and I concluded to go into business on Monday next

Thu. 21, — Came up to Youngs to see about some money none on hand returned to Fosters was retained as Att[orney] in case entitled Crowell & Co vs M McKinty by Def[endan]t case to come off on Saturday before Burns²⁶

Fri. 22, — Stayed around home all day doing nothing Went hunting with Bart Noe and his boys had a great time shooting squirrells.

Sat. 23, — Suit came off had a great time, got beat like thunder right against law & evidence could not help it and let it go²⁷

Sun. 24, — Started at noon with Frank and went to Winslow's Bar and back after dar[k] collecting done very well

Mon. 25, — Went up to Oregon Bar and back did not do much had a hard days tramp of it coll some on Fosters but few left in the country²⁸

Tue. 26, — Started for Celestial Valley coll there and went to Youngs Hill and stopped all night

Wed. 27, — Went to Slate Range and done some collecting but it was dull came to Oak Valley and from there to Young's and stopped all night

Thu. 28, — Went to Camptonville stayed until afternoon then went to Atchisons Bar and done some coll the last I done²⁹

Fri. 29, — Stayed home all day doing nothing went up to Oregon Hill and stayed all night had a little dance

MARCH 1856

Sat. 1, — Came home

[No entry for March 2.]

Mon. 3, — Left for Marysville on my horse left him at Peter Labadies³⁰ to be sold, deposited my money at Mark Brumagins³¹ Frank Davis went down

Tue. 4, — Left for Sacramento on the Cleopatra³² in Co with Bliss[,] Whitesides, Haun, Smith, Barret, More & Fairfax,³³ had a talk with Felton, dull show Bliss told me about Mix Smith, took room at the Union³⁴

Wed. 5, — Convention called to order by B F Washington³⁵ done a little business and ajourned until next day. (got separated from the rest and) went to (Ns House) Lee & Marshalls Circus [Words in parentheses lined out in original.]

Thu. 6, — Held a caucus yesterday amongst ourselves; decided on Mike Gray, no use had to vote for Rust; Convention ajourned until night K[now] N[othings] in Legislature gave us a scare, met in the evening.

Fri. 7, — Met again to day and concluded our business pecably [sic], Hired a hack and two and started for home by land, had a hell of a time I drove got lost come out up at Robinson and Co's on Bear River³⁶ stopped all night

Sat. 8, — Came into town about used up loafed around Frank on hand

Sun. 9, — Still here waiting for Smith to come up and pay so that I could settle with Felton he came but could not raise the money

Mon. 10, — Settled up with Felton, short \$323, \$200 due from Smith and \$123 from Frank who was gone above found out I had no job thought some of coming up and selling out, and opening in Marysville

Tue. 11, — Took my bills to Board of Supervisors for services in criminal cases \$350. allowed me \$180 after a hell of a time offered me \$25 more refused to take it

Wed. 12, — Took stage and came up to Youngs Hill found dull times and plenty of them

Thu. 13, — Stayed in the Store all day looked somewhat stormy wanted to go to San Juan but put it off until tomorrow had a little game of poker.

Fri. 14, — Went to San Juan saw Miller did not get the money raining like thunder then turned off into Snow cold as thunder got home about dark

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Sat. 15, — Looke[d] somewhat stormy in the forenoon but cleared off beautiful snow about all off, did not effect much good; at Young's all day

Sun. 16, — Went to Camptonville to try and borrow some money could not make the riffle³⁷ came back with Jim Pullman, raised \$667 and sent over by him to forward to Fall & Co. attend Lyceum and joined the society, chosen leader quest[i]on on labor savin[g] mach[inery]³⁸

Mon. 17, — Trial of rights of property; Constables jury Cole for defts and myself for King & Lewis plttfs gained the case after a hard fight remained home all day dull times a low stock and no cash on hand, found I had in Store personal funds \$1371.00

Tue. 18, — Went to Dadds Gulch with Gus Lewis and King took possession of our claims, gained yesterday got back, had wood hauled, reced a letter from Jim all well but pretty blue letter. fine weather.

Wed. 19, — Stayed around home mighty dull times no goods no money and no prospects of any wrote a letter home to Jim

Thu. 20, — Still at home loafing dry weather

Fri. 21, — Went with Ed King³⁹ to Fosters Bar, Ed went to Hatfields to see Peter, both came over stayed all night on the Bar, had a dance at Franks in the Bar room, music by bagpipes

Sat. 22, — Came up with Peter and Ed, tried to borrow 500. of Dutch Bill⁴⁰ asked 5 per cent per month⁴¹ would not give it and came back minus hot day about as hot as they make them

Sun. 23, — Stayed home and went to church, fine weather but mighty poor preaching attend the Ugly Club meeting question debated decision in my favor⁴²

Mon. 24, — Went to Oregon Hill to try and raise some money failed in the attempt went to Bullards and stayed until evening then went to Fosters and stayed all night

Tue. 25, — Came up to Youngs in Co with A[l]bert Askin, picked a bouquet for Mrs King, nothing new and very dry warm weather

Wed. 26, — About the same weather went out hunting with Ed King and Clem Whitcomb found nothing but a Digger Ranch, shot at a mark with his Sharp Rifle and come home

Thu. 27, — Election to day for Supervisor, K N elected, sit as clerk of the board, K N's beat us 31 on the Hill⁴³

Fri. 28, — Went out prospecting with Clem Whitcomb, Silas Flinn and Ed King sunk a deep hole in the head of a ravine in the hardest kind of clay and mud found nothing, came home tired played cards with D B Scott

Sat. 29, — Peter Donnelly sued W. Bond for Assault and Battery assisted Donnelly got beat, Donnelly prosecuted by Judge May⁴⁴ for common drunkenness, I was appointed by the Court as Counsel for prisoner; acquitted rainy weather.

Sun. 30, — Raining and snowing by turns, dull day, Mr. Tennent^{44a} up from Marysville, continued raining most all day

Mon. 31, — Still at Youngs; trying to raise some money to buy some goods with

APRIL 1856

Tue. 1, — Doing the same; fine weather, dull times and plenty of them. went to Camptonville to see my Co engaged Ed King to work in the Ravine at \$75.00 per month commence tomorrow

Wed. 2, — Started for Marysville with \$400.00 borrowed \$725.60 of J. Groves, to be paid in two weeks, coll \$70 of H Goodfellow at Oregon Hill; stayed all night at the Pauly Ranch⁴⁵ saw the Goddess of Liberty⁴⁶

Thu. 3, — Got in town about 9 oclock, paid Fall & Co \$721.60, sold invoice of socks to them 88 doz for \$372.00 paid Reinhart & Bro \$450, Glazier & Co⁴⁷ \$25.00 reced \$30. from Atchison; bought my goods stayed all night with Dan Dean wrote a letter home to M W N

Fri. 4, — Started for home came up from the Oregon House in Co with A Lewis & Tim Smith had a jolly time drove up some horses for Tim; got home about dark

Sat. 5, — Staid at home in the store; doing nothing much fine weather

Sun. 6, — Went over to Dadds Gulch with Gus and Bill Bond panned out in our claim and got some good prospects. attended Ugly Club meeting; decided that Bachelors were happier than married men was one of the Bachelor's champion's.

Mon. 7, — Fine weather; goods arrived had a busy day opening and stowing away; nothing of interest transpired to day laid foundation for dwelling house;

Tue. 8, — Working at our house some rained a little in the afternoon, *not correct* nothing of importance

Wed. 9, — Comd building us a dwelling House on the Hill; rained a little in the afternoon

Thu. 10, — Comd raining in the afternoon and rained till night hard; considered bueno in the first degree wrote a long sensible letter to Jim; Davis stopped with me

Fri. 11, — Raining all day and night quite hard; nothing more needed than water; mad[e] Davis stop with me again

Sat. 12, — At home roaming around the hill seeing them pipe Clear as a bell in the morning day closing with a thunder storm; F Davis come over presented claim for \$28.00 out of 123 owing to me

Sun. 13, — Met with the Ugly Club, question which enjoys the most true happiness the married man or bachelor; took the side of bachelordom and win without a struggle

Mon. 14, — Knocking around the hill trying to raise some money to pay Grove's but no go none in town

Tue. 15, — Doing the same to day with like success; Groves came up stopped all night

Wed. 16, — Paid Groves part could not raise all gave him our note for \$447.00 on demand

Thu. 17, — Com[mence]d a series of Dancing meetings had a fine pleasant time of it; waited upon Mrs King to the party, kept it up till 1 O'clock and then retired.

[No entry for Friday, April 18.]

Sat. 19, — Started a letter to Sister C E D L⁴⁸ also one to Johnny Ferris; and one in answer to my leap year letter from the same place

Sun. 20, — Attended meeting of Ugly Club slim attendance question the benefits of prohibitory Liquor Law plead the negative alone and win the question three opponents. Attended Church in the forenoon

Mon. 21, — Wrote a long letter to Sister C E D L

Tue. 22, — Attended a travelling theatrical show Fairy Minstrels⁴⁹ fine time as necessary

Wed. 23, — Same this evening with equal success

Thu. 24, — Had a dancing party at the Hall a very pleasant time.

[No entry for Friday or Saturday, April 25 and 26.]

Sun. 27, — Cool and cloudy weather; helped organize the E Clampus Vitus Order⁵⁰ on the hill; attended the Ugly Club meeting in the afternoon; question does Woman deserve social & political equality I was on affirmative; no decision, to be reargued Sunday.

Mon. 28, — Chill cool weather with small squalls of rain and hail during the day; a fire quite necessary during the day

Tue. 29, — Cloudy and blustering in the forepart of the day; settled with Schultz for note collected some George going below in the morning. set in to rain hard in the evening

Wed. 30, — Raining hard, quite cold George detained, by storm and state of finances; continued raining hard all day and almost all night

MAY 1856

Thu. 1, — Broke away and looked fair, Murray, Bond, Carpenter and myself started for Oregon House rained most all the way; attended May party had a first rate time; about 30 Ladies and 25 men. Miss Foulks for my partner

Fri. 2, — Started for home by the way of N Y Ranch; staid there and slept awhile and then came home, raining and hailing hard by spells, got home about dark.

Sat. 3, — Staying feeling blue, homesick and discouraged;⁵¹ went to bed and slept most of the day, a cold cloudy disagreeable day

Sun. 4, — A middling fair day but cool; attended a meeting of the E Clampus Vitus Order; then the Ugly Club to renew the lecture on Womans rights; finished in the evening and after a long and tedious argument lost the question

Mon. 5, — George went below today on Gridiron; I spent the day in the store almost in the mump's [sic] from having to keep housed; fine weather a little Cloudy blustering and cool in the afternoon with some distant thunder

Tue. 6, — Arose early and impatiently awaited the mail, reached here at noon but no letter for Charley as expected from M W N; made up by mind to go home; pleasant forenoon, but dark clouds and some thunder and wind in the afternoon

Wed. 7, — Got up late; bright clear morning borrowed Ruth Hall⁵² and read it through, go any length on Fanny Fern; heavy thunder and dark clouds, with a small shower in the afternoon

Thu. 8, — Pleasant forenoon; some thunder and quite a shower at noon and very heavy thunder with but little rain in the afternoon, George arrived; attended a dance on the hill, pretty near a steamboat;

Fri. 9, — Bright beautiful day quite warm no shower to day but a little distant thunder; considerable lightning far in the North in the evening; Attended E Clampus Vitus at Son's Hall

Sat. 10, — Same kind of weather spent the day in writing the pioneer's recollection's of the past⁵³

Sun. 11, — Warm & fair wrote another Mss, on the same subject; was summoned to appear as a witness on next Saturday Eve in the Odd Fellow's Lodge at Camptonville in case between Davis & Smith

Mon. 12, — Went to Dadd's Gulch & Oak Valley with goods; came back & was arrested by Wm. Flinn on a charge preferred by his sister Eliza Jane;⁵⁴ went to Camptonville retained J C McQuaid; went to Foster's Bar gave bonds \$500. for appearance on Monday; came back home.

Tue. 13, — Stayed around home all day doing nothing much but taxing my wits in order to find a loop hole of escape; one show[s] in my journal.

Wed. 14, — Doing the same to day; the weather warm, very warm; set up pretty late at night betting at Faro

Thu. 15, — Got up about noon nearly roasted felt miserable; went to Camptonville with Murray to a ball, got my front teeth filled and broke; the Ball a Steamboat out and out stopped a[t] Crandall's got home about noon;

Fri. 16, — Arose late feeling mean the weather hot; — E Clampus Vitus met and organized initiated brother G McMurray by way of experiment had a good time; gambled a little more went to bed late

Sat. 17, — Knocking around as usual until evening, then went to Camptonville as witness services not needed, went to a Nigger show; came back with Brown, about 11 O'clock

Sun. 18, — At home in the Store, business brisk to day claim at Dadd's paid 7½ Oz, two men one week, water one hour each day, weather warm prepared a little for the morrow gambled a little lost nothing nor win

Mon. 19, — Went to Foster's Bar to attend Court pitched in without lawyers witnesses or anything else, non suited them; a host of friends on

hand; E Clampus initiated J P Brown⁵⁵ & G W Butler, had a fine time of it; raining hard comd about the middle of the afternoon

Tue. 20, — Raining like fury all day and last night quite cold; broke up our pine Grove ball; started with George Allis about dark for Pine Grove⁵⁶ went to Garden[?] Valley, thence to Camptonville, and staid all night

Wed. 21, — Came home took some goods to Dadd's Gulch, came back; comd raining and blowing in the afternoon, very cold; storm changed to snow, and then hail and rain E C[lampus] V[itus] initiated A Lewis, 10 oclock A M hailing and blowing hard

Thus. 22, — Snow two inches deep on the ground thawing off rapidly, but weather dark and cloudy, rained a little by spells during the day E C[lampus] V[itus] met, initiated Timothy Warren, and Amos Anderson

Fri. 23, — Weather changeable rained some through the day by spells quite cool, news arrived that Casey & Cora were hung by the Vigilance Committee in San Francisco⁵⁷

Sat. 24, — Quite Cool and cloudy to day rained a little during the day but not much; attended the Fairy Minstrel ex[h]ibition at the U S Hotel; enjoyed myself highly

Sun. 25, — Fair in the forenoon but dark and cloudy in the afternoon; rained a little; held a meeting on the King [James King of William] testimonial question, made a speech was appointed receiver of the funds for his family; meeting approved of the actions of the Vigilance Committee

Mon. 26, — Bright beautiful day and quite warm; spent the day in digging a cellar, writing to the papers &c. reced a line from M W N, her wrist sprained, spent the evening in writing to her

[No entries from May 27 to 30, inc.]

Sat. 31, — Went with H Carpenter to Oregon House, from there to French Corral⁵⁸ by the way of Frenchman's Bar⁵⁹ and staid all night at Sublets Haven traded Horses with Labadie I won ten dollars of him at seven up & coll \$8.50 of W. B. Sorcey at Oregon Hill

JUNE 1856

Sun. 1, — Went to Montezuma Hill⁶⁰ saw Dan Leggett, married, could not raise any money of him, came home by way of San Juan; went to singing school at Mr Fikes got acquainted with Mrs. Frampton quite showery in the afternoon

Mon. 2, — On the Hill in the store nothing particular going on went to a Lecture in the evening to hear Dr Hume Lecture on the immortality of the soul a Spiritualist or Swedenborgh I know not which

Tue. 3, — In the Store as usual reading &c weather fine; eat dinner at Home,⁶¹ four of us, had a good time of it

Wed. 4, — Still at Home, fine clear weather and nothing of interest transpiring

[No entries from June 5 to 11, inc.]

Thu. 12, — Miss Mary Van Heusen,⁶² Chicago, Box 1473, Address
Enjoying myself first rate in the society of the above named lady who had
lately arrived, and was about to return;

Fri. 13, — Had a grand ball at May's an E Clampus party; waited upon
M J V H to the Ball danced till morning

Sat. 14, — Bought J B Stevens⁶³ out of his Livery Stable, in Co with H C
Carpenter; paid \$250 down & \$250 to be paid in six months tried to play
chinanigan but couldn't make it rip

Sun. 15, — Last day of the stay of the gahl, H C C done the business
up brown in the evening; wonder if it will ever raise hell;

Mon. 16, — J B Stevens, Mr Stevens and Miss M J V H all left the Hill for
home; lonesome as thunder to day

Tue. 17, — Wrote a letter to the Express⁶⁴ for publication.

Wed. 18, — Done nothing in particular

Thu. 19, — Attended a primary meeting of the party, acted as president
made a speech &c G Wilcox and H Lewis elected delegates, saw H Cham-
bers who retained Jud[g]e May and myself as counsel in a claim case.

[No entries from Friday, June 20, to Saturday, June 28, inc.]

Sun. 29, — Citizens meeting called to take measures to celebrate the 4th.
of next month; concluded to have a pic nic during the day and a ball at night,
was appointed on the committee but declined

Mon. 30, — Was notified that I was appointed Marshall for the day
Adkinson speaker and May reader;

JULY 1856

Tue. 1, — Spent the day in writing toasts for the occasion and preparing
an oration in case of need; Wrote two letters one to Mrs C E D L an[d] one
to M J Van Heusen, Chicago

Wed. 2, — J M Variel⁶⁵ served copy of summons & attachment on us;
case entitled Fall & Co vs King & de Long, sum \$1208.00 had a talk with
Wilcox; was initiated into the Law & order league anti Vigilance⁶⁶

Thu. 3, — Went to Camptonville with Wilcox and McCabe to try and
borrow the money by mortgaging my property

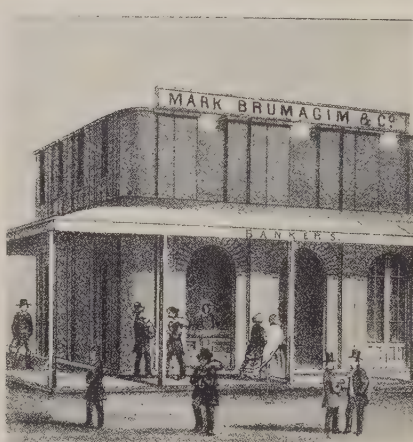
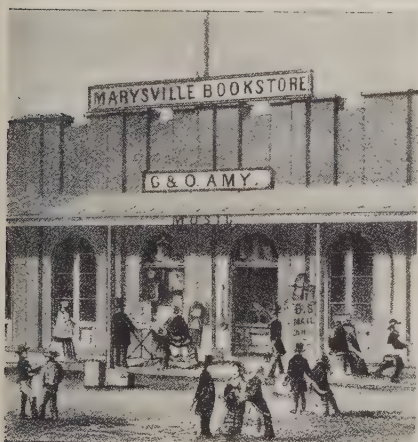
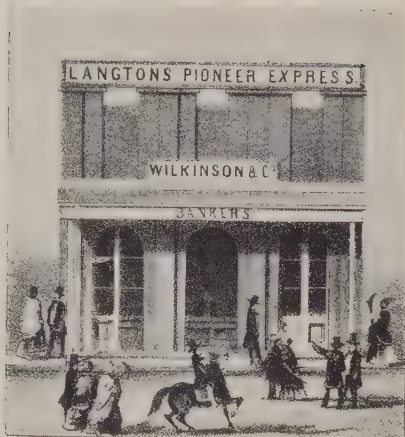
Fri. 4, — Had a grand celebration I was Marshall, and commanded
them en militaire [sic] with banners and music to a pic nic in the woods,
returned, I got blowed up and my face cut, went to a ball, danced with
my hat on⁶⁷

[No entries from July 5 to August 7, inc.]

AUGUST 1856

Fri. 8, — Went out hunting Robber's had a devil of a time struck a
mountain pop shop at old Ramirez mill's⁶⁸ had a row got over it and quit
all right staid at Dobbins all night, Arrested Tenessee [sic] Tom.

Sat. 9, — Variel weakened and we came home to be laughed at for our



UPPER LEFT: Home of J. M. Ramirez, Marysville. (See Note 68, 1856.)

LOWER LEFT: G. & O. Amy's book and stationery store. (See Note 4, 1856.)

UPPER RIGHT: Office of Langton's Pioneer Express, Marysville. (See Note 2, 1855.)

LOWER RIGHT: Mark Brumagim & Co.'s Bank. (See Note 31, 1856.)

From a lithograph of Marysville, 1856, by Kuchel & Dresel, published by G. & O. Amy, Marysville.

pains, took two Indian's for robbery Chinamen brought them to Fosters Bar, came home to Youngs Hill.

[No entries for Sunday, August 10, or Monday, August 11.]

Tue. 12, — Fosters Bar Stage attacked by Bell & Gang, Robbers beaten, \$10000 in gold dust in the Stage⁶⁹

Wed. 13, — Went to Indian Valley⁷⁰ to buy a right to water for Atchison & Co could not succeed asked ten thousand dollars for it. heard of the robbery of the Stage returned home, went to Campton[ville]. got up a party to pursue the robbers

Thu. 14, — Started out 7 strong went to Keystone[,] Dobbins; and Ramirez. shot Ramirez for resisting our searching his house, left there struck the River at Ohio Bar, got parted all made the Oregon House in the night.

Fri. 15, — Started for Park's Bar⁷¹ got parted wandered around in the hills until noon made Park's eat dinner went to Empire found the rest joined Nightingill & party came up to Dobbins and staid all night, swam the River at Barton's Bar⁷²

Sat. 16, — Went to Quartz Canon arrested B Toppan and a Dutchman let them go again, went to Ramirez mad[e] him deliver up his arms a perfect arsenal, saw a Cali[ornia] Ostrich, came home, Keeler shot at on Camptonville hill

Sun. 17, — Staid home all day used up pretty badly

[No entries for August 18, 19 or 20.]

Mon. 21, — Held a primary Democratic meeting A Lewis & G Wilcox elected delegates, made a ratification speech as president of the meeting

Fri. 22, — Staid around home doing nothing in particular

Sat. 23, — Attended a County convention at the Oregon House, came back as far as Fosters and staid all night

Sun. 24, — Came home

[No entries from August 25 to September 1, inc.]

SEPTEMBER 1856

Tue. 2, — Robinson Family⁷³ on the Hill gave an exhibition in the evening; good time; went to Foster's with Gus Wright. delivered safe and scales to him

Wed. 3, — Robinson family gave another exhibition, after the show had a dance, took Miss Hall [or Hale] had a fine time of it

Thu. 4, — Heavy wind all night and day, blowing more severely for dry weather winds than any others I remember of having seen

Fri. 5, — Same last night and to day until in the middle of the afternoon, wind quietly settled down, weather more mild and the sky covered with fleecy cloud

[No entries for Saturday and Sunday, September 6 and 7.]

Mon. 8, — Suit for Assault and Battery comd John May vs Michael

Purcell;⁷⁴ was retained by Deft, W F Smith⁷⁵ for Pltff All Irishmen and the hardest kind of swearing. Jury disagreed and were discharged 7 for Deft & 5 for Plaintiff

Tue. 9, — Suit renewed, jury retired and balloted 11 for acquittal and 1 for guilty returned without a verdict were sent back and finally came back with a verdict of guilty a proof of what one obstinate man can do —

Wed. 10, — Prisoner appeared for judgment one dollar and costs \$69.00 gave security for costs John T Stevens and I, released to appear for trial for damages, in a civil suit to morrow, by the same parties

Thu. 11, — Officer got drunk and failed to make due returns, I saw the defect and told the prisoner to cut for Sierra Co. done so a devil of a time, Justice, Counsel and Plaintiff all swearing mad

Fri. 12, — Went out riding with Miss May⁷⁶ went to Depot Hill,⁷⁷ took dinner with Steven's rode down to Willow Creek, then up to Galena, called upon Miss Rideout⁷⁸ had a first rate time of it, came near betting my horse on Buchanan; got home safe, saw Purcell and bade him good bye.

[No entries from September 13 to 28, inc.]

Mon. 29, — Went with Silas Flinn up to the Humbug Ditch⁷⁹ head dam to measure the water for Atchison & Scott. went to Indian Valley made out a complaint for forcible entry and detainer at Indian Hill

Tue. 30, — Mr & Mrs McHardy⁸⁰ called he retained me to attend a suit for him against Houghtaling & Whitcomb on Foster's upon Thursday

OCTOBER 1856

Wed. 1, — Went down to Foster's Bar and staid all night saw Burn's he tried to talk me out of not voting for McQuaid and Fuller

Thu. 2, — Houghtaling⁸¹ confessed judgement for the order from Stevens in favor of McHardy.

[No entry for Friday, October 3.]

Sat. 4, — Went to N Y Ranch with G McHardy and Emily took dinner and had a good time generally came home

Made a speech before the Foster's Bar Democratic club.⁸²

Sun. 5, — Came home

Mon. 6, — Around home doing nothing very cold and windy

Tue. 7, — Very cold and cloudy in the afternoon set in to rain a little; held a primary meeting for the purpose of organizing a B B Democratic club⁸³ went to Camptonville and bought a stove, paid \$28.00, own m[oney] [?]

Wed. 8, — Rained hard until nearly morning, in the morning cloudy and cold

[No entry for Thursday, October 9.]

Fri. 10, — Went to Foster's, drew up a complaint for G McHardy vs John Dixon,⁸⁴ forcible entry and detainer, plead case McHale et al's vs Whitcomb et al's win the suit reced \$20.00 — had a free discussion in the evening on politics, three handed fight



MRS. M. S. THRESHER

The Hannah Jane Rideout of the Diary.



J. P. BROWN

Justice of the Peace at Camptonville,
frequently mentioned by De Long.

Sat. 11, — Went to N Y Ranch with G McHardy and Emily took dinner. came home organized [Here entry ends, probably confused with that of Saturday, October 4, above.]

Sun. 12, — At home slept some played some poker with Hodge

Mon. 13, — Went to Foster's Bar, as attorney got change of venue for G McHardy in case entitled Bridget Dougherty vs McHardy, plead case before sheriff's jury McHardy vs Houghtaling won it brought Bridget up home with me made a speech before Fillmore club⁸⁵

Tue. 14, — Went to Foster's to return mule to John Dixon, returned home after dinner. heard that Maine had gone for Republican's 24 thousand old Hopkin's glorious

Wed. 15, — Attended the B[uchanan] B[reckenridge] Club meeting D O Adkinson and Judge May pitched in had a devil of a time come out best in every sense of the word, played poker until morning won \$50 took up a collection for a flag and voted for a pole

Thu. 16, — Went out as one of a committee to look up a pole had a devil of a tramp through the wet grass cut two but found no first rate ones; started for Foster's with Bridget she got thrown and kicked lost horse saddle and bridle she arrived safe

Fri. 17, — Went to Keystone to attend suit got the suit dismissed, rode hard to get home to attend a ball at Butlers went and had a first rate time of it. reced \$25 of Gus Wright for safe

Sat. 18, — Hired team of Grey and drew in pole, peeled [sic] and prepared it for raising played poker and won ten

Sun. 19, — Got up late knocked around saw Swezy McQuaid &c learned that the report had gone forth that I had joined the K Ns the club took it up and sent a letter to the Express⁸⁶ to refute the charge, cold night; counsel with Hall & Co in case

Mon. 20, — Heavy frost this morning, went to Foster's to attend suit for G McHardy suit fell through owing to absence of Burn's; came home by way of Camptonville sold my Ravine claim to I N Groves came home and went to K N Meeting

Tue. 21, — Heavy white frost this morning Went to Fosters Bar took dinner came home and brought Bridget with me went to a K N Meeting Messrs Wyatt Meesick & Goodwin^{86a} spoke

Wed. 22, — A Heavy frost again this morning worke[d] splicing the pole and preparing [sic] it. B B's met made a speech before them.

Thu. 23, — Cold morning and cold day worke[d] digging a hole for the pole and cutting out B B for the flag. made a speech in the K N meeting in answer to D O Adkinson

Fri. 24, — Raining slightly Raised the Pole on the hill had quite a spree got it up without much trouble

Democratic meeting Clayton & Griffith spoke, was President

[No entries for October 25, 26 or 27.]

Tue. 28, — Went to Ball at Oregon House took Mrs. Smith, went in

coach with H Carpenter Mr Black Mr Cole Mrs Young Mrs Schultze & Miss May. had a grand time of it danced all night although quite unwell

Wed. 29, — Last weekly club meeting Came home from party sick as possible.

Thu. 30, — Quite sick to day

Fri. 31, — Had a Law suit B Clough vs J M Davis & Co May for Pltff's myself for Deft's unlawful detainer of three claims, gained the suit property valued at \$2000.00 notice given of motion for new trial upon the part of Pltff's.

NOVEMBER 1856

Sat. 1, — Doing nothing quite unwell retained by H Lyons in case of forcible entry and unlawful detainer of the Empire Saw Mills⁸⁷

Sun. 2, — Quite sick sent for Dr Link.

[No entry for Monday, November 3.]

Tue. 4, — Election day had a hot contest got beat 21 votes on the Hill Fillmore getting 67, Buchanan 46, and Fremont 16. staid all day at the poll's vote challenged⁸⁸

Wed. 5, — Went to Foster's to Attend law suit H Lyons vs Col Colt et als Lockwood⁸⁹ and Reardon⁹⁰ for defence myself for prosecution case dismissed on informality in service came home in the rain cleared up before night 2 letters from Mary.

Thu. 6, — Went to Camptonville retained by A Andrews in criminal case intitled The People vs B White deadly weapon McQuaid & Lockwood for defense May & myself for prosecution the Jury disagreed, left to the Court and prisoner discharged.

Fri. 7, — At home doing nothing in particular

Sat. 8, — Attended suit for D Gattan's & Co⁹¹ vs the People of the State of Cala for A & B [Assault & Battery] with deadly weapons change of venue granted to Keystone Township

Sun. 9, — At home Mrs Whitcomb here went with Mrs Smith and others out to the Suspension flume⁹² came home and made up that we would organize a Thespian club⁹³

Mon. 10, — Went to Keystone Ranch saw Judge Canon⁹⁴ prevailed on him to issue no warrants except for McKelvy Great Chivarie at the Keystone made a speech.

Tue. 11, — Waited all day for the boy's to come over. McKelvy came at night, trial ajourned until next day at 2 Oclock Lockwood swore out new complaint for the rest on Mayhem and threats.

Wed. 12, — W McKelvy tried and acquitted on complaint, then plead guilty of assault & battery fined \$20 for the same Gattan's et al's discharged on my motion of previous conviction Champagne supper, & appeal

Thu. 13, — Taken ill lay at the Keystone Ranch. Piles.

[No entries November 14 to 16, inc.]

Mon. 17, — Still at the Keystone but recovering, very cold

Tue. 18, — The People vs Chas. Brown selling Liquor to Indian's. for

Dft got beat and fined \$20. two Indians admitted as witnesses first time in my legal experience.⁹⁵

Wed. 19, — Came home all day in getting here found Miss Fenton here. G B Lyman⁹⁶ came up from M'vill, spent the evening at Schultz reading play's

Thu. 20, — Thanksgiving day. looks like snow spent the day in visiting &c had turkey chicken's, grape's &c Miss Fenton here.

Fri. 21, — Snow on the ground five or six inches deep and snowin[g] by spells yet, retained to ple[a]d a case before a Sheriff's jury at Galena Hill between Wells & Kelly about a Billiard Table at Brigg's. Jury disagreed very dark and stormy night

Sat. 22, — Storming all night & day snow six inche's deep & wet; went to a party at Mr. Alliss with Miss Fenton rode in a dry good box on runner's had a great time played hurly burly &c came home in the morning

Sun. 23, — Spent the day in thinking of points for trial; and calling, went to church in the evening with Miss Fenton drew her on a hand sled; storming a little during the day but clear and cold at night.

Mon. 24, — Miss Fenton went home; I went to Rail Road Hill with Well's & Lewis to attend Sheriff's trial against May for Kelly; gained the suit after a hard and well fought fight; returned home in the night storming some rain & snow

Tue. 25, — Reced \$40 of Well's as fee for case weather clear & fair; paid \$20 to Hopkins and \$20 sent to Wagner

[No entry for Wednesday, November 26.]

Thu. 27, — George went to Marysville. Met at Mrs Schultz and organized an Amateur Thespian Society, four Ladies and 9 Gentlemen joined I was elected Stage Manager, with full powers &c, comd storming

Fri. 28, — Snowing and raining like fun everything look's frozen up. Thespians met at home to select and cast I selected The Pride of the Market,⁹⁷ and Bamboozling,⁹⁸ myself cast in the Chevalier in the Pride of the Market

Sat. 29, — Snowing again this morning Spent the day in writing parts &c, rehearsed some in the evening down a[t] Mrs Smith's

Sun. 30, — George got back from Marysville

DECEMBER 1856

Mon. 1, — Regular meeting night, A[mateur] T[hespian] Society Heard of B & B election⁹⁹ 31 guns; Flag &c and 1 gun for Cuba, Met at Mrs Allis had a meeting of T A [sic] Society Candy pulling, reahearsing [sic]. set up with Whitcomb till nearly morning to watch for comet.¹⁰⁰

[No entry from December 2 to 19, inc.]

Sat. 20, — Thompson vs Bealer. Forcible entry and Detainer. complaint entred before Slingerland;¹⁰¹ retained as Counsel by Pltffs.

[No entry for Sunday, December 21.]

Mon. 22, — Attended Court before Slingerland in case entitled Dr Link vs R Coomb's as counsel for Pltff. vs McQuaid counsel for Dft. Jury disagreed and discharged order entered for a new trial on Wednesday

[No entry for Tuesday, December 23.]

Wed. 24, — Case Link vs Coomb's called application made and cause ajourned for ninety days. Had an oyster supper and champaign [sic] H Carpenter, S Stover, Gus Lewis P McNulty, D Lyman and myself had a grand howl

[No entries from December 25 to 29, inc.]

Tue. 30, — Spent the day in studying law and writing letter's wrote one to Mary and one to Miss Delran[?] Comd snowing in the afternoon and kept it up till night. dull times, no money, in debt, and stormy weather

Wed. 31, — Storming hard all day, snow about 15 in deep but rainuing, snowed all night.

(At end of Diary under heading "Cash Account. September":)

Date		Received	Paid
Sept. 13,	Of R Logan Loaned	2.00	
Do	An Indian		2.00
14,	of W O Selfridge Power of Attorney	1.00	
"	Melon & Raisin's		1.25

(On fly leaf at end of Diary:)

TO MARY

High on the mountain's brow
 Neath the giant fir tree's bough
 Rest I awhile, whilst my thoughts turn to thee
 Maid of my love, dearest and best to me
 Plainly thy image this moment I see
 God grant that joy may still
 Guard all thy way's from ill
 Is prayer of thy lover far absent from thee
 This is no trifling prayer
 Breathed to the listening ear
 But hope of the soul that is dearest to me.
 Nov. 16th. 1857* —

(On the next page of the Diary is the following:)

O come my love and go with me
 To gather flowerets on the lea
 Or list awhile to the sighing breeze
 As it wooing, wanders midst the leave's
 And then in love ill [I'll] twine for thee
 A wreath of fairest flowers to see
 To deck thy brow of beauty fair
 Or cluster midst thy curling hair
 And whilst the wild bird sings above
 I'll clasp thy waist, and whisper love
 I'll tell thee tales of time's gone bye
 Shall call from thy heart the gentle sigh
 Then come love come let's hie away
 In joy to spend the passing day
 Far, far out oer the greenwood's lea
 Let's wend our footsteps light and free.

* This is probably an error for Nov. 16, 1856, the verse probably having been written by De Long while sick at the Keystone Ranch. Nov. 16, 1856. Following it is a stanza crossed out in pencil, and therefore illegible, beginning: "This day have I . . ."



UPPER: NEVADA CITY IN 1856.

LOWER: MARYSVILLE IN 1856.

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NOTES TO THE JOURNAL OF CHARLES E. DE LONG FOR 1856

1. D. V. Dingman was a "stage hostler." He lived for many years at Camptonville, and died at North San Juan. (Meek and Labadie.)

2. John K. Atchison was one of the three Atchison brothers (Ben, Silas and John) who farmed the "Atchison Ranch" in Garden Valley on Willow Creek and sold produce to the miners. They also kept a hotel, as their ranch was on the Foster's Bar-Camptonville road, which they were instrumental in building.

3. Greenville is also known as Oregon Hill. (See Note 81, 1854.)

4. G. & O. Amy were the earliest booksellers of Marysville. Their book and stationery store on the "north side of First Street, next to the corner of D" was the literary rendezvous of the 'fifties, and as early as 1855 they advertised, in addition to blank books and stationery, "regular supplies of Standard Works of History, Travels, Poetry, Romance, &c., School Books, Bibles, Hymn Books, Maps, Copying Books, Portfolios, Draught Boards, Portemonnaies, Pocket Knives, &c., Music, and Musical Instruments." (Colville's Marysville Directory for 1855, p. 3.)

5. Columbia Hill, on the San Juan Ridge between the gorges of the Middle and South Yuba rivers in Nevada County, a few miles east of North San Juan, was settled in 1853 by W. L. Tisdale and his brothers. They built a ditch to convey water to their claims and this was later sold to the Middle Yuba Consolidated Canal Company. For many years the miners did not even reach the bed rock under the exceptionally deep gravels of this locality. Later, by means of tunnels and heavy hydraulic heads, the gravels were partially worked out, and the town figured largely in the great days of hydraulic mining. (Bean, p. 396.)

6. Indian Springs was on the high ridge near the road from Camptonville to Pike City east of Oregon Creek canyon. (Byrd.) The grassy "flat" of two or three acres on this lofty point is still farmed and forms a picturesque landmark visible for many miles from all directions.

7. The Wisconsin House was about four miles below Camptonville, on the Bullard's Bar Road.

8. This was no doubt a hearing on the part of the sheriff to determine the ownership of property which had been attached. Such collateral proceedings were common. When property is attached in a suit of A against B, and has been taken in custody by the sheriff pending the outcome of the suit, a third party claiming ownership of any such property may, by affidavit, file a claim to it. Before releasing it the sheriff must assure himself of the validity of the claim, and at one time "sheriff's trials" in such instances were common.

9. Hank Goodfellow, a "tin-horn gambler," lived at Indiana Ranch, and one of Peter Labadie's sons, Henry Labadie, was named for him. (Labadie.)

10. Kentucky Ranch was about three miles southwest of Dobbins' Ranch on the Marysville-Camptonville Turnpike.

11. The California House was south of the Keystone Ranch on the road to the Oregon House.

12. The Oregon House is about four miles west of Dobbins' Ranch on the Marysville turnpike. There was a toll-house here. One of the Atchison brothers and one Rice built a turnpike here, which was later purchased by John Ramm of Ramm's Ranch. (Meek.)

Hutchings' "Table of Distances for the State of California," published in 1855, lists the distances on the main roads to the mines from Marysville as follows:

(American Valley Road)

Charlie's Ranch	13	French's Hotel	68
Central House	15	Buck's Ranch	78
Garden Ranch	24	Meadow Valley	88
Miner's Ranch	29	Spanish Ranch	94
Bidwell's Bar	32	Elizabethtown	101
Mill House	40	American Valley Ranch	103
Mountain House	49	Indian Valley	115
Peavine Ranch	58		

(Gibsonville Road)

Newell's Ranch	12	Oro Lewa	45
Kentucky Ranch	20	Strawberry Valley	52
Wyandotte	25	Buckeye	55
Honcut City	26	Lexington House	65
Hansonville	30	St. Louis	73
Natchez	30	Pine Grove	75
Evansville	30	Port Wine	75
Forbestown	38	Rabbit Creek	70

Yankee Nest	75	Nelson Point	91
Gibsonville	76	American Valley	96
Poor Man's Creek	79	Illinois Ranch	97
Hopkins Creek	80	Elizabethtown	103½
Onion Valley	81		

(Downieville Road)

Toll Bridge	15	Big Hill	51
Ousley's Bar	16	Cold Spring	53
Long Bar	16	Forrest City	58
Park's Bar	18	Smith's Flat	59
Empire Ranch	20	Chipp's Diggings	64
French Corral	32	Minnesota	65
Hesse's Crossing, M. Yuba.....	35	Galloway's Ranch	62
Franklin House	47	Downieville	66
Plum Valley	49		

(Downieville Trail)

Prairie Diggings	12	Foster's Bar	35
Peoria House	14	Camptonville	41
Galena House	14	Goodyear's Bar	57
Oregon House	24	Downieville	66
Key Stone Ranch	28		

(Thompson's Flat Road)

Ophir	26	Long's Bar	28
Lynchburg	27	Thompson's Flat	30

(Nevada Road)

Ousley's Bar	15	Plum Valley	30
Long's Bar	16	Rough-and-Ready	33
Park's Bar	18	Grass Valley	38
Empire Ranch	20	Nevada	42

(Auburn Road)

Bear River	12	Ophir	32
Gold Hill	25	Auburn	36

13. Beaver Ranch was near New York Flat. There was also a family named Beever which was prominent around Brownsville for many years. (Stanwood.)

14. The Cottage Saw Mill was above Bullard's Bar on the road to Dobbins' Ranch. (Meek.)

15. Rabbit Creek was located near the north bank of the stream of the same name on the dividing ridge between the Yuba and Feather rivers just over the line in Sierra County. Gold was mined at this point as early as 1851 and rich diggings were worked soon after. In 1856 the first fire-proof brick building in Sierra County was built at this point, and in the following year the citizens changed the name of the town to La Porte, by which name it has been known ever since. (See the *Quarterly of the Society of California Pioneers*, Vol. VI, No. 4, December, 1929, for an excellent early view of La Porte.)

16. The New York House was at Beaver Ranch, a mile below New York Flat.

17. Pine Grove Mill was near the point known as "Pine Grove" just south of Clipper Mill on the old La Porte turnpike. Meek states it was near Whiskey Diggings and Hepsidam.

18. The Lexington House was located just north of the extreme northerly tip of Yuba County on the Marysville-La Porte turnpike.

19. Buck Eye was on Strawberry Ridge, just above Strawberry Valley.

20. The Washington Mill was on Dry Creek near the point where the Branch turnpike crossed that stream. It was opened in 1851 and abandoned in 1863 when the neighboring timber was exhausted. (T. & W., *Yuba County*, p. 90.) Page's Mill was also on Dry Creek, a mile or so above the Washington Mill and about a mile and a half south of Brownsville. It was built in 1852 by P. B. Paige (sic) and was abandoned in 1860. (T. & W., *Yuba County*, p. 92.)

21. See Note 20, 1854 and Notes 44 and 75, 1855.

22. De Long often forswore cards and liquor, the former usually just after a substantial loss, the latter after a hard party.

23. The Graggy Mill was just south of the Washington Mill on Dry Creek. It was built by Jacob Graggy as a water-power mill, and was washed away in 1869. (T. & W., *Yuba County*, p. 90.)

24. See Note 37, 1855.

25. This was the Yuba County Democratic Convention. During the 'fifties and for a short time thereafter these county conventions were held at some central point in the diggin's rather than at Marysville.

26. Burns was Justice of the Peace at Goodyear's Bar in very early days. (Meek.) This seems to have been De Long's first appearance as an attorney.

27. The first statute relative to the Courts of Justices of the Peace was passed on April 10, 1850 and became Chapter 73 of the laws enacted by California's first Legislature. (Stats. 1850, p. 179.) By this rather elaborate Act the jurisdiction of such an officer was limited to the township in which he might be elected, and to certain specified matters. Provision was made for the summoning of juries (of six members); the administering of oaths; the issuance of citations, and the subpoenaing of witnesses, with the curious exception that no subpoena should issue "to compel the attendance of a female" (in which case—and certain others—examination might be by written interrogatories). Appeal was provided to the County Court within thirty days after the entry of any judgment, and executions might be issued to the Sheriff or any Constable.

The first "Civil Practice Act" was contained in Chapter 142 of the Acts of the same Legislature (Stats. 1850, p. 428), and applied to all courts other than those of Justice of the Peace. At its next session, however, the Legislature enacted the well known "California Practice Act," drafted by Stephen J. Field and elaborately setting forth in its 649 sections the procedure to be followed before all courts, including those of Justices of the Peace. It was largely based on the laws of New York State, and on it is based the present California Code of Civil Procedure. (Stats. 1851, Chap. V., p. 51, entitled "An Act to regulate proceedings in civil cases, in the Courts of Justice in this State.")

Title XVI of that Act refers to proceedings in civil cases before Justices' Courts, and under the headings of those courts (Sec. 621 of the Act) is to be found the celebrated provision that "in actions respecting 'Mining Claims,' proof shall be admitted of the customs, usages or regulations established and in force at the bar or diggings, embracing such claim; and such customs, usages, or regulations, when not in conflict with the Constitution and Laws of this State, shall govern the decision of the action."

The Legislature of 1851 amended the jurisdiction of Justices of the Peace in several important respects, as did also the Legislature of 1852. (Stats. 1852, Chap. 88, p. 163), and the next year it was provided that:

"Sec. 67. These Courts, except in the county of San Francisco, shall have jurisdiction of the following actions and proceedings.

"First. Of an action arising on contract for the recovery of money only, if the sum claimed, exclusive of interest, do not exceed five hundred dollars.

"Second. Of an action for damages for an injury to the person, or for taking, detaining, or injuring personal property, if the damages claimed do not exceed five hundred dollars.

"Third. Of an action for a fine, penalty, or forfeiture, not exceeding five hundred dollars, given by statute or the ordinance of an incorporated city.

"Fourth. Of an action upon a bond conditioned for the payment of money not exceeding five hundred dollars, though the penalty exceed that sum, the judgment to be given for the sum actually due when the payments are to be made by instalments, an action may be brought for each instalment as it becomes due.

"Fifth. Of an action upon a surety bond or undertaking, taken by them though the penalty or amount claimed exceed five hundred dollars.

"Sixth. Of an action for the foreclosure of any mortgage, or the enforcement of any lien on personal property, when the debt secured does not exceed, exclusive of interest, five hundred dollars.

"Seventh. Of an action to recover the possession of personal property when the value of such property does not exceed five hundred dollars.

"Eighth. To take and enter judgments on the confession of a defendant, when the amount confessed does not exceed five hundred dollars.

"Ninth. Of an action for a forcible or unlawful entry upon, or a forcible or unlawful detention of lands, tenements, or other possessions.

"Tenth. Of an action to determine the right to a 'mining claim.'

"Eleventh. Of proceedings respecting vagrants and disorderly persons.

"Twelfth. The Justice's Court of the county of San Francisco shall have jurisdiction of the actions specified in this section, but such jurisdiction shall be limited in the actions mentioned in the first eight sub divisions, to cases involving an amount not exceeding two hundred dollars, exclusive of interest.

"Sec. 68. The jurisdiction conferred by the last section shall not extend, however—

"First. To a civil action in which the title to real property shall come in question.

"Second. Nor to an action for the foreclosure of a mortgage or the enforcement of a lien on real property, nor to an action or proceeding against ships, vessels, or boats, or against the owners or masters thereof when the suit or proceeding is for the recovery of

seamen's wages for a voyage performed, in whole or in part, without the waters of this State.
 "Sec. 69. These courts shall also have jurisdiction, except within the limits of the city of San Francisco, of the following public offences committed within the respective counties in which such courts are established.

"First. Petit larceny.

"Second. Assault and battery, not charged to have been committed upon a public officer in the discharge of his duties, or with intent to kill.

"Third. Breaches of the peace, riots, affrays, committing a wilful injury to property; and all misdemeanors punishable by fine not exceeding five hundred dollars or imprisonment not exceeding three months, or by both such fine and imprisonment." (Stats. 1853, Chap. 178, p. 276, Secs. 67, 68 and 69.)

These provisions remained in force when De Long commenced his practice before Justice of the Peace Courts.

28. "Few left in the country"—i.e., foreign miners.

29. De Long had commenced his work as collector of the foreign miners' license tax in March, 1855. He lost his deputy-sheriffship as a result of the Know Nothing landslide which engulfed the Democrats of Yuba County at the election of 1855.

30. Peter (sometimes called Pierre) Labadie, father of F. S. Labadie of Camptonville, was a French Canadian who came to Indiana Ranch in 1851. He ran a hotel, store and large race track at that point for a number of years. He also ran a sawmill known as the Maple Springs Mill for many seasons.

31. Mark Brumagim and Company's bank was one of the first in Marysville. The proprietors, Mark, Jacob H. and John W. Brumagim, came to California from New York State. In 1855 they were agents for the payment, in New York, of interest on the public debt of the City of Marysville at 10 per cent per annum, and they acted as agents for Drexel, Sather & Church, on whom they issued sight drafts payable in the principal cities of the East. Their "fire-proof building" on First Street, near the Plaza, contained "a Treasure Vault of the most approved construction." (See Colville's Marysville Directory for 1855, p. 4.)

The bank later became: (1) Decker, Jewett & Paxton, bankers; (2) Decker & Jewett, bankers; (3) Decker, Jewett & Co.; (4) Decker, Jewett & Co. Bank [Inc.]; and (5) Decker-Jewett Bank [Inc.], which last name it still bears. After his removal to New York, Mark Brumagim changed his name to "Birmingham." (Stanwood.)

32. The *Cleopatra* was one of the steamers of the California Steam Navigation Company, a joint stock company formed in March, 1854, to operate steamers on the interior bays and rivers. Among its sister ships were the *Antelope*, *J. Bragdon*, *Camanche*, *Belle*, *Urilda*, *Gem*, *Fashion*, *Plumas*, and *Shasta*. The rates of \$12.00 for cabin passage and \$10.00 for deck passage, and \$15.00 per ton weight and \$12.00 by measurement, which the new company placed in effect between Marysville and San Francisco, caused great public discontent, and it was not long before opposition boats were placed in service in an attempt to break the monopoly. (T. & W., *Yuba County*, p. 109.)

33. Bliss (see Note 25, 1854); Whitesides (see Note 65, 1854); Haun (see Note 61, 1855). William F. Smith practised law in Yuba County during 1855 and 1856, removing to San Francisco during the latter year (T. & W., *Yuba County*, p. 51). One H. Barrett, from Maine, was Clerk of the Recorder's Court at Marysville in 1855. More has not been identified, but was probably the Mr. More whom De Long met at New York Flat on August 10, 1855.

Charles S. Fairfax, member from Yuba County, was Speaker of the Assembly in 1854. He was a descendant of the last Lord Fairfax, and would have been tenth Lord Fairfax had he claimed his title. He came to California in 1849, at the age of twenty, and wintered in a cabin at Grass Valley. He was Clerk of the Supreme Court of the State for five years and in 1868 headed the California delegation to the Democratic National Convention. He died in Baltimore in 1869. (For other references to Fairfax, see Bancroft VI, p. 682.)

34. The Union Hotel, J. P. Dyer, proprietor, was located on the west side of Second Street, between J and K streets, Sacramento.

35. The Democratic State convention convened at the Congregational Church in Sacramento on March 6, 1856. B. F. Washington, Chairman of the State committee, called the convention to order and Humphrey Griffith was made temporary chairman. During a bitter argument over the seating of rival delegates from San Francisco, H. P. Haun of Yuba County appeared and announced that the question of electing a United States Senator had just been sprung in the Legislature by the Know Nothing element. The excitement caused by this declaration was intense, and the members of the convention, many of whom were also members of the Legislature, rushed helter skelter to the Capitol. The matter was soon satisfactorily arranged, and the convention reconvened, electing James W. Mandeville, president, and J. R. Gitchell, Samuel McConnell, W. A. Mix and Frank Tilford, vice-presidents.

The convention endorsed James Buchanan for President, and General Joseph Lane of Oregon for Vice-President, and adopted a platform hailing the memory of Jefferson and

Jackson and demanding (among other things) strict economy, universal suffrage, liberal naturalization laws, freedom of religion, press and person, retention of the principle of "popular sovereignty" as expressed in the Kansas-Nebraska bill, and the prompt construction of the Pacific Railroad. Secret political organizations (the "Know Nothings") were roundly denounced. It was declared that "to the miners belongs the regulation of the mines."

R. C. Rust was State Senator from Yuba and Sutter counties in 1855-56. Michael Gray was Sheriff of Yuba County. It appears that Gray's name was withdrawn and that Rust was elected on the first ballot as one of the delegates to the national convention. (Davis, pp. 54 *et seq.*; T. & W., *Yuba County*, pp. 120-21.)

36. Robinson's Crossing of Bear River was so called from a man who settled there in 1849 but soon moved away. The spot was later known as Kempton's Crossing, and was located about two miles southwest of the present town of Wheatland.

37. To "make the riffle" was a term derived from the miners' argot, signifying an ability to accomplish a desired objective. The "riffle" was the series of cleats in the sluice box where gold was collected in placer mining operations.

38. "The Lyceum" was a debating society at Camptonville. Such societies were extremely popular during the period in question, and in the California mines they particularly flourished. They were chiefly notable for the curious and at times absurd questions chosen for debate.

39. Ed. King was a brother of George King with whom De Long was in partnership in the store at Young's Hill.

40. See Note 72, 1854. This probably refers to William Winkley, prominent volunteer fireman and at one time City Marshal of Marysville, who was commonly known as "Dutch Bill." He was implicated in the dramatic attempt to rob the Decker-Jewett Bank early in the seventies, in which one of the robbers was shot and killed by the cashier.

41. Five per cent. per month was not considered an exorbitant or usurious rate of interest at the time in question. Ready money was scarce and in great demand, and from three to five per cent. per month was ordinarily charged for its use.

42. The Ugly Club was a debating society, either the successor or rival of the "Lyceum" mentioned above. De Long appears to have been a contentious individual, and in the debating society he exercised that natural fondness for argument for which he found later use at the bar and in politics.

43. The Know Nothings were at this time at the height of their power and popularity. Never again did they elect their candidates.

44. "Judge" I. S. May practiced law in the mountain townships until 1857 (September 4) when he removed to Marysville. He was De Long's frequent opponent and was the father of Hatty May, the actress. According to Byrd, May was "a rough old one, an' don't you fergit it." Byrd also declared that before taking up the law May had been "a preacher" near Sutter's Fort. According to Meek, "Judge" May had a fair practice, and was oratorical and loquacious before a jury. He suffered from palsy, and returned to the East some time in the 'seventies.

44a. Tennent was in business with J. C. Fall. Mr. Tennent Harrington of the Colusa County Bank is his grandson.

45. The Pauly Ranch was about one and a half miles below Brown's Valley near the river.

46. "The Goddess of Liberty" was probably the Miss Hammon of December 18, 1854, and January 13 and 14, 1855.

47. Isaac and S. W. Glazier were wholesale cigar and tobacco merchants, hailing from Wisconsin. In their advertisement in Colville's Marysville Directory for 1855, the name is misprinted "Glazin." The Glazier store later became Marcuse Bros. and for many years was the leading "club" or rendezvous of the business men of Marysville.

48. Sister C. E. De Long. (See Note 62, 1854.)

49. The Fairy Minstrels were a wandering troupe that toured the diggin's. Practically nothing definite can now be learned regarding them, though it is probable that they were largely children. Such troupes were very popular with the miners. (See Rourke, *Constance, Troupers of the Gold Coast*, New York, 1928, pp. 81-82.)

50. The Ancient and Honorable Order of *E Clampus Vitus* (sometimes written "E Clampus Vitus") was one of the most ludicrous sideshows of life in the mines of California. It was founded at a very early period, some say at Sierra City, others at Downieville, and still others at Hangtown. Be that as it may, it spread rapidly through the diggin's and even to the towns in the Valley. While little ever appeared in the public prints relative to this "fraternal" organization, the Sacramento *Union* as early as September 28, 1852, declared:

"Clampus Vitus"—Some of the San Francisco editors are puzzling their heads to know what can be the object or aim of a newly created secret society, bearing this name in that city.

"Although we are not prepared to say that the association is precisely similar to those

we have heretofore known, yet we can state, for the information of the curious, that the term implied a degree of waggery to be practised by the knowing ones upon greenhorns; and that its existence was merely nominal—its meetings being held only when a victim presented himself for initiation, and consequent immolation.

"The hundred dollars contributed to the fire companies we presume was intended merely to create mystery, and hoax the good citizens of the Bay city. We warn them to keep their eyes about them, and to beware of taking the degree of the 'Burning Shame'."

The chief aim of the Order was to procure liquid refreshment from its luckless initiates, and Robert W. Ritchie, in his volume on early mining life entitled "The Hell-roarin' Forty-miners" (New York, J. H. Sears, 1928) says:

"E Clampus Vitus was the noblest wheeze ever launched under guise of a fraternal brotherhood." He adds, "The spirit of horseplay and the zest for comedy which ran a strong current through all the riotous life of the California gold camps has never been duplicated in any time or community since. . . . In the welter of the diggin's during the Fifties and Sixties, when the whole mass of gold seekers was strongly leavened by the native American character—and that largely of the frontier American from west of the Mississippi—a coltish humor seasoned life everywhere. . . . Men with no homes, no responsibilities, men worn to the bone with the heavy labor of combing gravel for treasure simply had to blow off steam. When it wasn't done in drinking the explosion took the form of hazing or practical joking. From this simple psychological reaction was born the ancient and honorable Society of E Clampus Vitus."

Once a victim had been procured he was mulcted of as substantial an "initiation fee" as possible, and when the "gewgaw"—a great horn—spoke the miners gathered from all directions at the "Clampus" Hall, for the blowing of the "gewgaw" signified that "a sucker has been caught and there are fun and beer ahead." Descriptions of the elaborate initiation ceremonies of some of the "Lodges" are given in Ritchie, *op. cit.*, pp. 249-50, and in Farish, Thomas E., *The Gold Hunters of California*, Chicago, 1904, pp. 82 *et seq.* One who joined the Order at Downieville in 1856 states that the sign of this worthy fraternity was the raising of both hands to the ears, with thumbs against ears and fingers extended. The answer, according to the same authority, was a closed right hand, with stiffened arm, raised from the beltline, striking the breast forcibly.

The "Order" was enthusiastically revived in Marysville in the 'nineties, the "gewgaw" being replaced by the "hewgag," which could be heard all over town. The most famous exploit of the reorganized E Clampus Vitus was its initiation of Lord Shalto Douglas, one of the Marquis of Queensbury's younger sons. He had married a San Francisco vaudeville actress and came to Marysville with a barnstorming troupe, but was glad to get out of town alive after his "initiation" into the mysteries of E Clampus Vitus. (Stanwood.)

51. De Long was inclined to be morose. He had long periods of "the blues," apparently caused by his physical condition. He was not robust, and frequently complained of illness.

52. "*Ruth Hall*," a domestic tale of the present time," was written by Mrs. Sara Payson (Willis) Parton (1811-72) and published under the pseudonym "Fanny Fern" by Mason Brothers, New York, 1855.

53. A careful search of *Hutchings Magazine* fails to disclose any such contribution, nor has it been discovered elsewhere.

54. See entry for December 18, 1855.

55. J. P. Brown, Justice of the Peace, and during the Civil War, Captain of the "Yuba Light Infantry" (Company E, First Battalion, Fourth Brigade, National Guard of California), which was organized in 1863 as an outgrowth of the Camptonville Union League Club (T. & W., *Yuba County*, p. 99) was later a banker at Camptonville, and at one time a banking partner of N. D. Rideout at Galena Hill. (Byrd.) He lived at Camptonville for many years, and in 1862-63 was County Treasurer. (T. & W., *Yuba County*, p. 120.) On October 15, 1857, De Long writes of a visit with Brown to an Indian Rancheria, where he saw the most beautiful squaw he had ever seen. Old timers declare that she was quite a favorite of Brown's. (Meek.)

56. See Note 15.

57. James King (of William), editor of the San Francisco *Bulletin*, was shot by James P. Casey on May 14, 1856, and the San Francisco Vigilance Committee of 1856 avenged his death by hanging his murderer on the 22d, together with Charles Cora, another murderer. At first the miners, outraged by the assassination, gave support to the Vigilance movement, but very shortly their sentiment turned against the Committee. (See Note 66.)

58. What is left of French Corral is scattered along its single winding street in a picturesque canyon near the lower (or western) end of the San Juan Ridge. Rich diggin's were here discovered in 1849 by a Frenchman from Frenchman's Bar on the river below the town, and the town takes its name from the rude enclosure which he constructed to hold his mules. The town grew apace, and in 1852 certain enterprising citizens brought in water by ditch from Shady Creek, and prosperity followed as the rich surface gravels were laid bare.

The discovery of important "Hill diggings" on the slopes above the town led to the construction of a second ditch in 1853, and a third two years later. At one time the citizens sought to change the name of the village to Carrolton, but French Corral it was christened and French Corral it has remained. (Bean, p. 343.) During the hydraulic mining era this locality became well known. It was at the western end of the rich San Juan Ridge deposits, and eventually water reached it which had its source more than sixty miles to the east in the high Sierra.

59. Frenchman's Bar was on the Yuba River near Condemned Bar and between it and Rice's Ridge, a mile or so above the mouth of the South Yuba.

60. Montezuma Hill was on the San Juan Ridge near Columbia Hill (see Note 4). It was at the eastern end of the great prehistoric river gravels which ran down this celebrated ridge for over sixty miles, ending at the west at French Corral, and again being found to the south at Sucker Flat, Smartsville and Timbuctoo. (See Bean, p. 340.)

61. The house was now evidently complete.

62. Miss Mary Van Heusen was probably some relative of I. N. (Hank) Van Heusen, who is frequently mentioned in the journal.

63. J. B. Stevens lived at Galena Hill to a ripe old age, passing away about 1915. (Meek.)

64. See Note 56, 1855.

65. J. H. Variel lived in Camptonville until 1878, when he moved to Plumas County. A son, R. H. F. Variel, was District Attorney of that county and member of the Assembly. J. H. Variel later moved to Los Angeles, and another son, William, practices law there today, a grandson, R. H. F. Variel, Jr., being active in the Los Angeles Bar Association, of which he has been an officer for a number of years.

66. The Vigilance Committee of 1856 of San Francisco was largely opposed in the mountain counties where "Law and Order" Leagues flourished. They were organized in sympathy with and to cooperate with the Law and Order Army of San Francisco which attempted unsuccessfully to oppose the "lawless" actions of the Vigilance Committee.

The following letter, from the editor's collection, discloses the interest taken by the miners in the events in San Francisco:

"Mokelumne Hill Calaveras County

"Dear Uncle William

"I now sit down to write you a few lines about what is going on in this distant region. I have been of late not very well, but I am now much better, so that I hope soon to be able to resume my mining operations. My claim promises much better and if I can only get enough to open my quartz claim with advantage I will think myself all right. . . . You have doubtless seen in the newspapers accounts of the doings of the Vigilance Committee in San Francisco. Yankee Sullivan's suicide did not cause much excitement here, he killed himself because the V G [sic] where going to send him to Australia from which place he was an escaped convict they have also shipped off Duch Charley & others. this steamer 20 more start for Nicaragua they will make good soldiers for Walker. The V. G.s [sic] intend to ship about 500 more of these ulcers on the body of society out of the country. You may probably think that the action of the committee is high-handed & against all law May be it is so but it is justice nevertheless The governor of the state has ordered out the militia to put down the Vigilantes but as yet he has met with poor success they one and all refused to join at the last accounts he had 500 all told enlisted whereas the revolutionists have 6500 infantry 250 horsemen and 32 pieces of cannon with an abundance of all the munitions of war. I do not think they will come to blows, if they do the whole state will revolutionise. . . .

"Yours &c

"June 17, 1856

"AUGUSTUS VAN CORTLANDT"

67. This Fourth of July celebration was typical of the mines. The "Declaration" was invariably read, and an "oration" usually followed, in which the Eagle soared to great heights and the nefarious British were roundly denounced. The old-time celebration of "The Fourth" reached its highest development in the California diggin's.

68. Ramirez Mills was on the road from Marysville to Camptonville, about three miles above Dobbins' Ranch, at a point later known as the McRuth place. Ramirez had another mill near the Oregon House. (Meek.) He was a Chilean who had come to Yuba County in 1849. In October of that year he purchased (with J. Sampson), for \$23,300, an undivided half-interest in the Nye (or Cordua) Ranch, on which the town of Marysville was later located, from Charles Covillaud. Theodore Sicard later bought into the group, which was known as Covillaud & Co. (T. & W., *Yuba County*, p. 38.) Ramirez was one of those named in the deed from Captain Sutter which Stephen J. Field drew up in January, 1850, to clear up the question of title to the site of Marysville. (T. & W., *Yuba County*, p. 40.) Through these and other real estate operations he attained considerable wealth and erected a large and costly dwelling in Marysville. It seems likely that Ramirez had learned that

foreigners must be prepared to defend themselves in the California mines, and the fact that he seems to have been quite generally considered a substantial and important citizen would appear to negative De Long's suspicions of him. The name of this pioneer persists through the naming of a station on the Southern Pacific road about seven miles north of Marysville.

Of Ramirez, Colville's Marysville Directory, 1855, says (Preface, p. iv):

"Among the first to explore deep into the auriferous regions bordering on the Yuba and Feather rivers, whose riches seem unbounded, were a party of Chicanos under the direction of our enterprising and highly respected fellow-citizen, J. M. Ramirez, who in the months of April, May and June (1849) followed the Yuba from its debouch to its sources, discovering the important points now known as Foster's Bar, Wambo's Diggins, etc."

His house in Marysville is also described in the same Directory (p. xix):

"This building has cost exceeding \$35,000. This splendid edifice, which attracts the attention of every visitant, is situated on the south side of Cortes Square; two stories in height, with a basement. The style of architecture may be termed Gothic, or Castelated. It is finished throughout after the finest style of workmanship, and adorned exteriorly with beautiful and elaborate ornaments, while it is surrounded with laborinthine walks and tessellated pavements, that the most refined taste or skill could scarcely add an additional charm to it. Flora, Pomona and her numberless mythological sisters have manifested their admired handiworks here at the invocation of the generous and hospitable occupant [at that time Mark Brumagim]."

69. Tom Bell, after Joaquin Murieta, was perhaps the most notorious desperado who ever plagued the California miners. He was a large man with a repulsive face, his nose having been mashed in almost level with the rest of his face. He had received a medical education in his native Alabama, and is said to have practiced medicine for a time after his arrival in California in 1850. Having failed at this, at mining, and finally at gambling, he "took to the road," his active career as a freebooter lasting some two years.

A great deal has been written of Bell and his gang. They ranged from the Yuba south to Placer County, and in the wild foothills they had no difficulty in evading the law. During the summer of 1856 they became especially bold, but rarely, if ever, shed any blood. On one occasion "Dr." Bell expertly bound up the wounds which one of his men had inflicted on a victim, and held up a passing teamster to send the man to safety.

The most daring of Bell's jobs was the stage hold-up here mentioned by De Long. This attempt was graphically described in the Marysville *Express* (quoted in T. & W., *Yuba County*, p. 127) as follows:

"On Tuesday afternoon, about 4:30 o'clock, as the Camptonville stage was proceeding to Marysville, and when near Dry Creek, it was stopped by six mounted highwaymen. They were after the treasure, which amounted to \$100,000. Near the point of attack the road forked, and Mr. Rideout, gold dust dealer of Camptonville, was on one road and the stage on the other. Mr. Rideout was stopped by the robbers, who all presented their arms and commanded him to dismount. He hesitated, when one of them threatened to shoot him. On the threat being made he dismounted, and went towards the stage on the other road, across the ravine. The robber called him back and demanded his money. Being satisfied that he had none, his treasure being on the stage, they took his horse and allowed him to cross over to the stage. The robbers then commanded the driver of the stage, John Gear, to stop and threatened to kill the first man who should oppose them in their designs. Mr. Dobson, messenger for Langton's Express, immediately drew on the robbers and commenced firing. His first fire took effect on the spokesman of the robbers, and unhorsed him. Mr. Rideout had by this time got to the stage. An indiscriminate fight now commenced between the robbers and passengers. As many as forty shots were fired on both sides. The robbers, finding themselves so stoutly opposed, retreated, leaving the passengers victors of the field of battle." (John Gear was shot in the arm, a Mrs. Tighlman was killed, and two other passengers were wounded, the stage being riddled with bullet holes.)

Tom Bell was killed by officers near Auburn, Placer County, during this same year. (T. & W., *Yuba County*, pp. 126-27.)

70. Indian Valley is on the North Yuba below Goodyear's Bar, just above the point where the present State Highway crosses the North Yuba. It was a considerable settlement in the early days.

71. Parks Bar was probably the richest of all the gold-strewn bars of the Yuba River. It was located on the northerly side of the stream, some fifteen miles above Marysville, and at the point where the river leaves its canyons and debouches onto the broad plain of the Sacramento Valley. Parks Bar was worked as early as June, 1848, by a company of prospectors from Benicia led by a Major Cooper. These worthies left in disgust because they could not average more than fifty dollars an hour in their mining labors. David Parks and his family, fresh from the plains, was the next comer (September, 1848), his wife being the first American woman in the township. They traded beads and sugar with the Indians for gold dust, and left for New Orleans early in 1849, where they exchanged \$85,000 in dust for

coin and created tremendous excitement. Parks's sons David and John remained in California and settled in Marysville. Of this bar, Bancroft says (Vol. VI, p. 72):

"Parks Bar on the Yuba was discovered in August [1848] by Stephen Cooper, John Marsh, John P. Long and two brothers, Clay, Willis, and Nicholas Hunsaker, who afterward held important positions in Contra Costa County. Charles Covillaud opened a store there later, and employed a number of Indians to dig gold for him. He married, on Christmas, 1848, Mary Murphy, one of the survivors of the Donner party. He purchased the rancho where Marysville now stands, laid out the town, and named it for his wife. Parks, from whom the bar was named, came across the plains in 1848. Although fifty miners were at work when he arrived, and had been for some time, the bar was christened after him, because he was a man with a family, and more persons answered to the name of Parks than to any other."

By the spring of 1849, Parks Bar was teeming with miners. Many fortunes were made, and in 1852 six hundred votes were polled. In 1851 a bridge was started, but was washed out, and was replaced by temporary structures until in 1859 Matt Woods erected a tubular iron bridge. This broke down, but was replaced by a suspension bridge put up by Woods and Colonel Vineyard. This was carried away in the great flood of 1862, a stage barely escaping as it went down. It was later replaced, as the crossing is an important one on the Marysville-Smartville Grass Valley road. Parks Bar is now buried by the debris of the hydraulic mines, swept down from up the river. A new concrete highway bridge has recently been constructed at this point. (T. & W., *Yuba County*, p. 88.)

72. Barton's Bar, on the Yuba about two miles up the river from Parks Bar, was settled in 1850 by P. Y. Harris, who took up what was later known as the Haworth Ranch. Robert and George Barton kept a store there and gave the bar their name. It was abandoned comparatively early. (T. & W., *Yuba County*, p. 88.)

73. Dr. David G. Robinson was one of the most interesting of the early "exponents of the drama" in California. With his company he toured the diggins, not once but many times. He presented the first dramatic performance in Marysville in a rough building erected for the occasion. (Colville's Marysville Directory, 1855, p. xii.) Young Sue Robinson, said by Leman to have been Dr. Robinson's daughter (*Memories of an Old Actor*, p. 379), was in his company, and was an early rival of the rising young Lotta Crabtree, whose services Dr. Robinson is said once to have attempted to engage for his company. (See Rourke, Constance, *Troupers of the Gold Coast*, New York, 1928.) Byrd, at the age of ninety-three, said of Sue Robinson, "That sweet child! Why, I've seen the nuggets rain down on the stage like hailstones around her." (See the *Sacramento Union*, June 19, 1871, regarding her untimely death at the age of twenty-six.) Late in the 'fifties Dr. Robinson went east for a tour, and was drowned. His son, Charles Robinson, a well-known artist, now resides at San Rafael, California.

74. "Mike" Purcell, an Irish "character," mined near Ramm's Ranch. (Ramm.) He crossed the plains with the Lyden family party and later lived near Young's Hill. (Meek.)

75. See Note 33.

76. Miss Hatty May, daughter of "Judge" I. S. May, later became a well-known actress. De Long mentions her from time to time, and some years later attended one of her performances in San Francisco.

77. This was a mining center a few miles north of Camptonville and at one time a place of some little importance. Hydraulic workings were installed here during the 'sixties and 'seventies.

78. Hannah Jane Rideout was a sister of N. D. Rideout (banker of Galena Hill and later of Marysville and San Francisco). She married M. S. Thresher, a hardware merchant at Stockton. He was for years County Treasurer of San Joaquin County, and Mrs. Thresher lived until about 1920. Her sister married Justus Greely of Marysville, whose son, Fred H. Greely is now County Auditor and Recorder of Yuba County.

79. The Humbug Ditch ran from Humbug Creek to Indian Hill, and beyond that to Oak Valley, Depot Hill and Young's Hill. (Meek.)

80. Mr. and Mrs. George McHardy lived at Bullard's Bar and kept a store and hotel there.

81. Edward Houghtaling, from Cooksackie (?), New York, lived during the 'fifties at Young's Hill and Galena Hill. Later he mined at various other points in Yuba County, and for many years lived in a cabin near Camptonville, where he died ca. 1914 or 1915. He was a cousin of A. P. Houghtaling of San Francisco. (Meek.)

82. Every bar or diggin's of any consequence at all had its political clubs during the early period. This appearance at the club at Foster's Bar was one of De Long's earliest ventures in politics.

83. B B—i. e., Buchanan and Breckenridge.

84. John Dixon was a butcher, first at Foster's Bar and later at Camptonville. (Meek.)

85. Millard Fillmore was nominated for President in 1856 by the "American" or "Know

Nothing" element. He also obtained the support of certain of the old line Whigs, but a large proportion of the Whigs voted for Frémont and the youthful Republican party.

86. See Note 56, 1855.

86a. Richard S. Mesick was an able Marysville lawyer who later became prominent at Virginia City, Nevada. Jesse O. Goodwin was another prominent Marysville lawyer. (Stanwood.)

87. This mill has not yet been identified.

88. Buchanan received 51,935 votes in California as against 35,113 for Fillmore and but 20,339 for Frémont, who had become very unpopular in his adopted state because of certain alleged irregularities in his financial dealings. (See Davis, p. 74, and Bancroft, Vol. VI, p. 702.)

89. J. L. Lockwood was Justice of the Peace and lawyer at Camptonville for many years. (Meek.) In the "seventies" he was President of the Depot Hill Ditch and Mining Company operating at Depot Hill but with headquarters at Camptonville.

90. T. B. Reardon came to Yuba County in 1851 from Maryland. Prior to that he had for a year been County Clerk of Sutter County, and in 1851-52 he was County Judge there. In 1863 he went to Virginia City, Nevada, but returned and for a time was District Judge in the Fourteenth District of California. (T. & W., *Yuba County*, p. 50.)

91. "Bill" Slingsby and "Dan" Gattens were partners in the general merchandise business from a very early date until their death in recent years. At first their store was at Oregon Hill (the Greenville of the Diary) but after 1867 it was at Dobbins' Ranch. Meek says of "Slingsby & Gattens" (as the firm was always known) that they were "a combination of Irish and English, and they never disagreed. They cooked, ate and slept together for over sixty years, and did their own washing. They were always on good terms with the Indians, particularly the gentler sex." Slingsby was for a time Chairman of the Yuba County Board of Supervisors. (T. & W., *Yuba County*, p. 95.) (See photograph of Slingsby in the Pacific Gas & Electric Company's *Pacific Service Magazine*, January 1922, p. 228.)

92. The "Suspension Flume" across Brandy Gulch near Young's Hill, Yuba County, was one of the most interesting instances of early California hydraulic engineering. At this point it was desired to carry a stream of water brought from a great distance across a deep canyon, and since no pipe capable of withstanding heavy pressure was available, it was necessary to construct the flume itself high in the air across the canyon—in the manner of the ancient Roman aqueducts. It was done by constructing one tower and hanging the rest of the flume from the tops of tall trees, and of it *Hutchings Magazine* (Vol. II, No. 3, Sept. 1857, p. 105) says:

"The flume is intended to convey the waters of Clear Creek from the summit of one hill to that of another, across a deep ravine, called, from some mysterious cause, 'Brandy Gulch.' The survey was made less than twelve months ago, by D. Scott, Esq., who, by the way, has gained much in reputation in this branch of science. But, independent of the great design, the mode of construction is remarkably ingenious; the flume, which is fifteen hundred feet in length, is elevated to a height of 206 feet in the air. A tower built from the bed of the ravine supports the center, while at intervals of about a hundred feet stand tall trees, the tops of which being cut away contribute materially to the permanency of the structure. A cluster of small wires are secured at these points, from which is suspended the box, or flume.

"Thus, by means of scarcely any perceivable agency, an artificial channel is formed, through which four to five hundred inches of water is allowed to pass daily. It is, without doubt, a highly creditable piece of work, and reflects much credit upon its enterprising proprietors . . . Works like this, presenting themselves in every portion of the mining region of California, are the most striking evidences of the capacity for adaptation; and of which we are already sufficiently inclined to boast. . . .

"The sheet of vapor which hangs in dreamy silence above the brow of the 'Sierra,' descends and gathers its misty mantle about the frail flower, which nods to the passing brook. As the morning sun melts the dewy tears, they fall into the stream and are borne along by the reckless current. On, on it glides, now struggling over rocks or craggy steep, now dancing in the sunlight or kissing the weeping foliage which seeks to span the stream; and now exalting in its liberty; when, lo! the bearded miner issues from his rude hut, and with implements in hand, forthwith proceeds to chain the trembling drops. And still it struggles, but too soon the fetters are secure, and though it shrinks, yet it is urged on to its debasing destiny. All day it labors, and again night approaches, but as the tiny globulet surveys itself, how sadly changed! Its face discolored! the lustre of its eye is vanished! in disgust it turns away to rest, not on the fair face of the pale flower, which cast it on the pitiless world, but to lose its identity among swarthy companions, in a neighboring pool.

"Of Young's Hill, the terminus of the enterprise before described, but little may be said. It is a small village, of small importance, located some two miles north of Camptonville, and quite remote from the stage-route, as, indeed, from any point of consequence.

"Mining is carried to a considerable extent in this vicinity . . .

"To Messrs. Spencer & Adkinson much credit is due for promptness, energy and enterprise. The flume, or 'sluice,' constructed by them, which carries the 'refuse dirt' from the whole hill, is not only of inestimable value to the miners, and thereby to every other interest, but also promises to be a lucrative investment to its projectors."

(An excellent colored lithograph of the Suspension Flume is contained in Ernest Seyd's *California and Its Resources*, London, 1858, p. 42.)

93. The Thespian Club of Young's Hill was one of the earliest amateur dramatic societies in the California mines. Though its career was short, it was an active one, and its two performances gave it and its chief actors much fame in the Yuba hills. De Long was one of the prime movers of this organization. He held the office of stage manager and acted leading parts in its productions. In no small degree his success in local politics just following this period may be traced to his activities with the "Thespians" and the popularity which resulted from his abilities on the stage. See the *Californian*, San Francisco, April 19, 1848, for an account of the "Amateur Thespian Club" of Sonoma and its performance in an amateur theater in the Colonnade Building. See also Ayres, *Gold and Sunshine*, 1922, p. 103, regarding H. Q. Clark and his dramatic association at Mokelumne Hill in 1851.

94. Dr. J. G. Cannon, an old-time physician of Yuba County, was for many years Justice of the Peace at the Keystone Ranch. He married Miss Phillips, daughter of the proprietor of the Peoria House, sixteen miles out of Marysville on the Camptonville turnpike. Her sister married Dr. C. E. Stone, for many years a leading physician of Marysville. (Meek and Stanwood.)

95. The older law regarding the competency of witnesses has been greatly relaxed during the past half century. At one time this question formed perhaps the most important portion of the law of evidence (*Reyn. Stephen's Digest*, p. 25 and note), but the subject is today largely one of historical interest. Under the present rule all persons of sound mind and an age capable of understanding the matter in question are *prima facie* competent witnesses, the trial judge being given great latitude in allowing their testimony. Thus, "the fact that a witness is a thief, a jailbird, and a drunkard may go to his credibility, but does not affect his competency." (*Patterson v. Commonwealth*, 139 Va. 589, 123 S.E. 657.)

Indians were once excluded from testifying on the theory that the oath would not have the effect of binding their conscience. At one time the matter of theology played a great part. Among witnesses often excluded on such grounds were (1) persons mentally underdeveloped (as children or idiots) or uninstructed in theology; (2) those who subscribe to a recognized non-Christian creed, and (3) atheists. The Indian normally fell in the first or second category. In one case an Indian, who on being asked if he understood the nature of an oath, merely replied that he intended to tell the truth, was held incompetent. (*Priest v. State*, 10 Neb. 393, 6 N. W. 468.) In another instance an old Indian woman was asked, "Do you understand what the result would be if you were to tell a lie?" She replied that she would tell no lie, and she was declared competent, though she might not understand the full meaning of the oath, such as fear of punishment by the Supreme Being either in this world or the next for false swearing. (*Fernandez v. State*, 16 Ariz. 269, 144 Pac. 640.)

The famous dictum of Lord Coke that an infidel is not to be admitted as a witness does not now represent the law, the present rule being that the oath is to be administered as to suit the conscience of the witness. Thus, he may be asked what ceremonies observed in swearing he deems most obligatory, and such forms may be adopted; Jews may be sworn on the Pentateuch with uncovered heads, Mahometans on the Koran, Chinese by the killing of a cock or breaking a saucer (the witness declaring that if he swears falsely he will be dealt with in similar fashion), and the like. As above stated, the subject was formerly of great importance, but today little is heard of the point. De Long, however, was shocked at the allowance of Indian testimony against white men, and there was a time when the allowing of such testimony, whether against white men or other Indians, would have been considered reversible error on the part of the trial judge. See discussion in Jones, *Commentaries on Evidence*, 2nd Edition, Vol. V, Sections 2088-91 incl., and Wigmore on *Evidence*, 2nd Edition, Vol. III, Sections 1813-29, incl. Also see *California Constitution*, 1879, Art. I, Sec. 4, and *California Code of Civil Procedure*, Sections 1879, 2094-96, incl.)

96. George B. Lyman was the uncle of Dr. George D. Lyman, of San Francisco, and Edward D. Lyman, attorney, of Los Angeles. It was his sister who married George King. (See Note 99, 1855.)

97. *The Pride of the Market* was "a comic drama in three acts" written by James Robinson Planché and published in London by Thomas Hailes Lacy about 1850. (See Lacy's *Acting Edition of Plays, Dramas, Farces, Extravaganzas . . . as performed at the various theaters*, V. 20.) This play was very popular during the 'fifties and early 'sixties, and was the opening offering at Brigham Young's celebrated Salt Lake Theater on March 6, 1862, being performed by the Deseret Dramatic Association. (Werner, M.R., *Brigham Young*, p. 444.)

98. *Bamboozling* was "an original farce in one act" by Thomas Egerton Wilks, published in London by Thomas Hailes Lacy, about 1850. (Lacy's *Acting Edition of Plays*, V. 28.)

99. The news of the election of Buchanan traveled slowly. During the late 'fifties a strong movement existed for the annexation of Cuba.

100. No comet was visible in California skies in 1856. See notes for 1857-58 regarding comets then visible.

101. "Judge" James S. Slingerland, of Young's Hill, was a member of the Assembly in 1859, later removing to Carson City, where he died in 1874 after having served (in 1869) as Lieutenant-Governor of Nevada. (T. & W., *Yuba County*, p. 121; California Blue Book, 1907, p. 617.) Meek says that his widow married Jack Bates, and a son, Charles, still lives in Carson City.

DOCUMENTARY

THE FRÉMONT EPISODE

(Continued from Vol. VIII, No. 1)

[Larkin to Secretary Buchanan Regarding Events in California]

[Larkin's Official Correspondence II, pp. 74-77. Bancroft Library.]

[Copy]

Consulate of the United States of America
Monterey, California, July 18th, 1846.

No. 53.

Sir

In the first week of June this year, Lieutenant Francisco Arce with eleven men, having by orders of General Castro crossed the river Sacramento near New Helvetia, for the purpose of bringing to the General Head Quarters at Santa Clara about a hundred and fifty horses and mares, was visited while in camp by twelve Americans and English who ordered him to give up his arms and animals, which was done without resistance; the foreigners having taken the horses out of the "Corral," returned to the Lieutenant and soldiers their arms, the horses under saddle, and a fresh horse each, and seperated, the foreigners proceeding up the river, and the soldiers returning to Santa Clara.

I on receiving verbal information of this affair, officially offered my services to the General and Prefect to enquire into the business, but received no answer. On the 14th of June at sunrise, thirty four foreigners, some of them Americans, took possession of the town of Sonoma, made prisoners of four of the principal men of the place, and under an escort sent them to New Helvetia, then took charge of the Barracks, containing eight pieces of cannon, three hundred stand of arms, and a large quantity of other munitions of war, and took likewise many of the horses belonging to the Commandant Don Guadalupe Vallejo, and forming themselves into a Company under the command of William B. Ide, of the United States, fortified the Town, on the following day, Commander Ide issued a Proclamation to the people and hoisted a new flag, having a white field with a red border, and a Bear and a Star in the middle; they continued in possession untill the 10th. of July (never having more than fifty or sixty men) when they lowered their flag & Lieutenant Revere, U. S. Navy, having read the Commodore's Proclamation, hoisted the U. S. Flag under a salute, in presence of a large concourse of people. A few days after Sonoma was taken by the foreigners, General José Castro assembled at Santa Clara, a distance of two days journey from Sonoma, four hundred soldiers & citizens, ordered three parties of sixty or seventy each, under the command of Captⁿ. Joaquin de la Torre, Major General José Antonio Carillo and Volunteer Francisco Rico, to cross at different places the Bay of San Francisco, and meet another party of Californians near Sonoma for the purpose of attacking Commander Ide. The party of de la Torre only, crossed over between San Rafael and Sonoma, his advanced guard rode back and informed him that the Americans were on the road, and by the time

the Californians were prepared, the foreigners came on them at a gallop, but started back in surprise at the sight of so many men, of whose vicinity they were not aware, and entered a stick corral close by, to defend themselves; de la Torre immediately retreated with his whole party excepting two or three killed or wounded, and did not stop until he reached Sauzalito a distance of twenty to twenty five miles, when taking a Launch, he reached Yerba Buena & proceeded to Santa Clara, a distance of eighteen leagues: the Americans fourteen or fifteen in number returned to Sonoma and with a reinforcement gave chase to de la Torre, but reached the landing too late by two hours. On the arrival of de la Torre, General Castro proceeded to San Pablo with the intention of crossing over to Sonoma with upwards of three hundred men, but on hearing of the increase of Ide's party, he returned to his own Quarters and despatched Colonel Alvarado with a hundred men to the Mission of San Juan, near Monterey.

On the 7th July he prepared to evacuate Santa Clara with all his party to join Señor Alvarado, and that night received a communication from the Commodore, that the U. S. Squadron, had possession of Monterey; stopping a few hours at San Juan, he informed Commodore Sloat, that he must hold a convention with the Governor of California and Legislature, before he could make any arrangement; at the same time he informed the Commodore by letter, that Captⁿ. J. C. Fremont had seized on Sonoma, assassinated the people, stolen property and committed many excesses, requesting said Commodore to inform him who this party was, or if he had any connexion with the squadron, adding that he & the last Californian would not permit such excesses, and that he waited the Commodore's answer, to know how to act against Fremont. All this gasconade was made at the very time that three hundred men were running away from an unknown number of Americans (and when he expected to be joined by two hundred more who were supposed to be on the road) who up to that time had never been able to gather more than a hundred at a time, and Captain Fremont was not actually known as one of the party. During the thirty days skirmishing between the parties of Castro & Ide, two or three men on each side were killed in the act of carrying expresses.

Commodore John D. Sloat arrived here on the 1st of July and found at anchor the Cyane & Levant, the Portsmouth being at San Francisco; on the 7th at seven o'clock in the morning the Commodore sent to Don Mariano Silva, Captain of Artillery & the highest military Commandant at the time in Monterey, Captain Mervine of the Cyane with two or three officers demanding the surrender of the town & country; by eight o'clock Captain Silva answered that he had no orders, nor any thing to give up neither property, soldiers nor flag, (the Comandancia of this Port has had no flag these two months past); at 10 o'clock the forces were landed & the American flag hoisted; the Custom House is now fitted up with accomadations for more than a hundred men with beds, tables, &c. &c. on the 10th over a hundred marines paraded the streets with a band of music, an orderly & strict guard patroll the town, the citizens are not hailed at night, at the barracks only the[y] use the watch word, where people need not

go after dark, for a few days the shops where spirits are sold have been closed, and a heavy penalty has been imposed on those who at any time may sell spirits to the Soldiers or Sailors of the squadron. The Wharf is at present under military use, and therefore in the mean time produce will have to be embarked at the beach as formerly, before the Wharf was built.

The Commodore left Mazatlan about the 8th of June, when it was understood by all that Matamoros had been taken by General Taylor on the last of May; on the 8th or 10th of said month the Mexican troops to the amount of some seven thousand, had been completely routed, by some two thousand and odd Americans under said General. On the Commodore's arrival here, he for several days heard nothing but distracting reports of Foreigners and Californians collecting people and preparing to fight; in this state of affairs, and with the Knowledge of the Bear Flag having been hoisted, fearing perhaps that some other foreign Officer might do it, he hoisted the U. S. Flag in this Town on the 7th July, and Captain Montgomery did the same in San Francisco, on the morning of the ninth.

H. B. M. Ship Juno, is at San Francisco, and the Collingwood is expected soon. Commodore Sloat does not wish to molest if possible any Mexican vessels belonging entirely to persons established in California. It is impossible to foretell how the present state of affairs may terminate, but in my opinion the Inhabitants unawed by their Chiefs, will soon be contented.

Hon.
James Buchanan
Secretary of State
City of Washington.

I am Sir, with the highest consideration
your most obedient servant
THOMAS O. LARKIN.

[Larkin to Secretary Buchanan Regarding Rupture of His Plans for
Peaceful Acquisition of California]

[*Ibid.*, pp. 77-79. Copy.]

Consulate of the United States of America,
Monterey, California, July 20th, 1846

Sir

The undersigned had anticipated the pleasure of following up the plans partially laid down in the dispatch to this Office of October 17th, 1845, and bringing them to a conclusion in the latter part of 1847, and that through the will & voice of the Californians, he had confidential agents throughout the Country, who would have aided in bringing the minds of the different Government men to the desired object.

From document No. 22 in the Book on the state of affairs in California, will be found one of the modes of persuasion used; many people were taking out tracts of lands to enable them to have property well secured on the exchange of Flags; the undersigned had several conversations with the General on the

propriety of having land secured to himself & family before it was too late, in the last conversation with him and a few other principle men, the General drew up in writing a short history of his plan of declaring California independent in 1847 or 1848, soon as the Country had a sufficient number of people from abroad to carry out the intentions, this was put into the undersigned hands for approval, and when agreed to, was returned, the General was informed as a Friend, that he must expect to lose his Office, and among men of more talents, he would lose his present influence, and finally, be lost in the crowd, stamping his foot on the ground, he said, will this after so many revolutions find rest and receive a benefit? when answered in the affirmative he said, then that is all I ask, and the profits of his mine must support him, some may place no faith in assertions of this Kind from these people, the undersigned does, from twelve years experience he believes he knows them, and cannot on paper, bring out his many reasons, but feels perfectly satisfied that with the assistance of the talents, energy & energetic manner of Commodore Stockton, the Californians would have come into any required measure, and that by their spontaneous wishes, our Flag would have been the future destiny of this fair region in 1847 or 48.

During the month when the party under the flag of those who took Sonoma were in operation, the undersigned had no expectation that Mr. Gillespie would commence operations of any Kind in California without his Knowledge, he however and Captain Fremont, obtained by the 17th of June two hundred men, and had taken New Helvetia and Sonoma raising a flag with the ensignia of a Star and Bear, and issued two proclamations, all of which during the month of June, was conducted under the name of William B. Ide, this Office nor the people of California, had no official or correct Knowledge that Mess^{rs} Fremont and Gillespie had any cooperation in the business, although all could perceive that they did have.

It is not now, to say that this Country could have been placed under our flag by other means, that would have been more approved of by our Government, that question now comes too late, the step is taken, the Flag is flying! and the United States should hold California in preference to England being its owner, or should even in mercy to the Californians themselves (who will never be again under the Mexican Flag, that they do not anticipate) and who must hereafter have the Stars of the United States, the Cross of Great Britain or the Bear and the lone Star, should the former come down, one of the other goes up, should the latter succeed, it in time revolves into our flag, bringing the country into a state of distraction during the change, under the flag of England the Californians do not expect any change for the better, and it would prove destructive to our hopes of the Bay of San Francisco.

Although the undersigned regrets that a farther time could not be had to produce our Flag in this Country in another form, being confident of its success, yet he would say, the deed being done (by the act of Commodore Sloat) the views of the United States are fully opened to the world, who will take no excuse or palliation for this act, the flag should henceforward remain where Com-

modore Sloat has placed it, now and hereafter, could the Natives have their vote on the subject, two years hence they would adhere to it, it is their only hope of safety and protection from the Native Chieftains and Mexican Soldiers. At this moment the Natives are highly exasperated, at the sudden act, and that only on conjecture of War, the actual hatred however is caused by the act of those who are called adventurers who took Sonoma, soon as the price of goods fall as they must and at half price or two thirds in value, and their property receiving United States protection, then by degrees they will become satisfied.

Should by any policy of our Government the flag in California be lowered, the Bear seizes the Country, and should England not directly or indirectly render the Natives assistance, that party will rule California, but should several English Ships of War remain here and at San Francisco and in an open or a secret manner render assistance, the people would declare in their favour, and we lose the Country, all this will happen, because the will of the people has not been consulted in declaring it independent when the Flag at Sonoma the 14th of June was hoisted, of this there is as much certainty as there can be in any act not yet brought forward.

The undersigned is a loser to a large amount in debts against this Government, and in other respects, yet would advise that the act of Commodore Sloat should be supported or we may lose San Francisco, losing that Oregon is worthless to us, in the mean time without regard to personal consequences, he will render to Commodore Stockton who will now take command in California, all his means, his power and his advise, to aid in carrying out what is begun, relying on the idea, that his Government will support the transaction, whether talked to by Mexico or frowned on by England.

I remain Sir, with the highest respect and
consideration, your obedient servant,
THOMAS O. LARKIN.

Hon.
James Buchanan
Secretary of State.
City of Washington.

**[Montgomery to Sloat Regarding His Non-participation in the
Sonoma Affair]**

[Original]

[Mr. Templeton Crocker's Sloat Manuscripts.]

U. S. Ship Portsmouth
Yerbabuena Bay of San Francisco
July 20th. 1846.

Sir,

I have the honor herewith to submit to you a copy of Correspondence held with the following persons viz. General Vallejo, Coma^{dt} General Castro, Mr. Will^m. B. Ides Commanding the Insurgent forces at Sonoma, Captⁿ J. C. Fremont

Top^l Engineers, & Lieut Gellespie of the U S Marine Corps. All since my arrival in the Bay of San Francisco on the 3^d of June last.

In your absence Sir, I regarded the intelligence of the late revolutionary movement in California of sufficient importance to justify me in making it the subject of direct communication to the Navy Department and accordingly forwarded a letter with such portions of this correspondence, as had direct reference to the subject, indicating the injurious view entertained by the Mexican authorities in California respecting the conduct of the U. S. Government and its officers in the matter; to the Camp of Capt^a Fremont, who had previously notified me in his letter of the 16^t of June of his intention to start for the U States about the 1st. of July (inst.) Subsequent events however, prevented the execution of this design; and consequently, since your arrival on this part of the coast, I have recalled the package addressed to the Hon^{bl} Secretary, which was left at Sutters Fort up on the Sacramento; and shall undoubtedly receive it again in a few days.

When you have leisure Sir, I will thank you to run over the letters, and when you next communicate with the Department, be pleased to make known so much, as shall suffice to exculpate the officers of this Ship from the Charge of having in any manner compromised the honorable neutrality of the Flag committed, in part, to our keeping. The impression, of an improper interference on our part is rife in California; and will no doubt, through the government organs in Mexico be charged to us all, but the correspondence I think cannot but be regarded as a full & conclusive refutation in behalf of the officers of the U. S. Ship Portsmouth under my Command.

I have the honor to be
Sir Your Obt Servt
J^{NO} B MONTGOMERY
Comander

To

Commodore Jn^o. D. Sloat
Commanding Naval Forces of the U. States in the Pacific
at Monterey, U. California

REVIEWS AND NOTICES

Spanish Arcadia. By Nellie Van de Grift Sanchez. Los Angeles, Powell Publishing Company, 1929. 413 pp., and 15 block print illustrations, of the series *California*, edited by John Russell McCarsby. 8°.

In *Spanish Arcadia* Mrs. Sanchez has vividly depicted the few happy decades when Spanish and Mexican settlers, established in Upper California and cut off from the rest of the world with its struggles and emulations, led for the most part a care-free, joyous existence. Freed from hard labor and raised above want by the natural increase of their herds, they had time for neighborly intercourse, abounding hospitality and active amusement; "leisure to live, to love, to play." Though they worked not for the sake of working, though merely keeping busy had no merit in their eyes, they were not slothful. They rose at dawn, the housewife looked well to the ways of her household and the master of the house ate a slight breakfast with horse saddled and bridled, waiting to take him on his daily tour of inspection of fields and herds. One or more of his sons usually accompanied him. Mrs. Sanchez tells of one ranchero who daily rode his rounds accompanied by sixteen sons, each over six feet tall.

Best of all their occupations, for us of later days, was their facility with the pen. Nearly every prominent Spanish Californian recorded something of the daily life about him in diaries, reminiscences or letters, and Mrs. Sanchez, through her translations from these original sources, has given more intimate pictures than have other historians of the homes of the early Californians, of their dress, food, manners, social customs and religious observances.

An appendix full of interesting information, a bibliography and excellent index complete a volume which Dr. Herbert E. Bolton characterizes as the most interesting book he has ever read on the early history of California. The original illustrations by Franz Geritz and the pictorial end papers are captivating additions.

HELEN T. PRATT.

Judge John F. Ellison, Superior Judge of Tehama County, California, 1890-1926. Compiled and edited, with introductory biographical sketch, by Mrs. John F. (Minnie Cason) Ellison. Red Bluff, California. Privately printed, 1929. 150 pp., illust.

This volume is eminently a work of love. In the Northern California counties where Judge Ellison was most intimately known, he was generally beloved, despite his undemonstrative nature. It is a familiar kind of work which Mrs. Ellison has produced — a few pages of genealogy and biography, many letters from admiring friends and professional brethren, a review of important causes tried before him, speeches and extracts from speeches made by him on public occasions. A book of this type can easily weary. Yet this one holds much of even the casual reader's interest.

The reason is that there was something noteworthy about Judge Ellison. This is recognized in the encomiums of chief justices past and present, in the considered opinions of observers such as the veteran of a neighboring bench, Judge McDaniel of Yuba, who writes that "Judge Ellison was the best trial judge in California," and in a wide and sincere conviction that he would have adorned the higher courts. Beyond this was the man's character as a man — strength and simplicity to a degree. In his speeches the temptation to be "eloquent" is put aside and something practical, thoughtful, really interesting, with a touch of Benjamin Franklin in it, is given out.

There was thought, and thoroughness and serious purpose, in all his life. The autobiographical bits from early diaries and letters are perhaps the best of the book: The curious episode of the religious revival which upset him at sixteen and nearly sent him to the ministry; the Virginian farm-lad in a comfortable home (pictured in the book) who finished his legal education at the University of Virginia under the famous John B. Minor in quite the approved Virginia manner, but — miracle for a boy in 1853 in the region just across the Potomac from Washington — who was a Republican from youthful conviction ("perhaps imbibed," he whimsically says, "while leading Yankees' horses to water during the war"); the maturity of his resolution at twenty-four, "to settle in California, marry out there and become identified with the people." And how nobly he did just that!

EDWARD B. STANWOOD.

How Many Miles from St. Jo? The Log of Sterling B. F. Clark, a Forty-Niner, with Comments by Ella Sterling Mighels, Together with a Brief Autobiography of James Phelan, 1819-1892, Pioneer Merchant. San Francisco, privately printed [Taylor & Taylor] 1929. xii + 56 pp., small 8°.

Again a page from the record of early California has been turned into a beautiful book, this time by the well-known San Francisco printers, Taylor & Taylor, at the behest of former United States Senator James D. Phelan.

"How Many Miles to St. Jo" is a brief journal of his trans-plains adventure kept by the father of Mrs. Ella Sterling Mighels on his trip from Hollidaysburg, Pennsylvania, to California and embracing the period from March 12 to September 1, 1849, when young Clark commenced "washing gold" at Mormon Island. The apt title of the little volume is taken from the diarist's custom at the end of each day to enter the distance made during the day plus the total thus far accomplished, thus showing each night how many miles he had come from St. Jo.

Following the Sterling diary is a brief autobiographical sketch of James Phelan, father of former Senator Phelan, in which is related the manifold difficulties of the Panama route in 1849 and the ups and downs of pioneer merchandising.

To this reviewer the chief significance of this delightful little book is the fact of its being done. More and more the descendants of the pioneers are bringing forth the written records of the youth of California and making them available for this generation, and in his foreword Senator Phelan declares that he has brought out this volume because "I thought that its publication might elicit personal recollections of other pioneers, handed down by them to their sons and daughters." Such an effort will be appreciated not only by those interested in the early West but by the lovers of that which is fine in printing.

CARL I. WHEAT.

NEW MEMBERS

Bancroft, Miss Anne J., Walnut Creek
Berkeley Board of Education, Berkeley
Gillick, James J., Berkeley
McGettigan, Mrs. Charles D., San Francisco
McPherson, William, Orange
Trowbridge, Mr. Delger, San Francisco
Wiltsee, Ernest, Babylon, L. I., and San Francisco

MEETINGS OF THE SOCIETY

The Society held a luncheon meeting on Tuesday, December 17, 1929, at the Clift Hotel. Owing to illness, the announced speaker, Mr. Otto von Geldern, was unable to be present, and Mrs. Charles D. McGettigan very kindly filled the engagement and read to the Society a paper on the life of General Mariano Guadalupe Vallejo, her grandfather, drawn from family records and reminiscences. As Mr. von Geldern's topic had been the life and adventures of General Vallejo, the Society was doubly fortunate in securing Mrs. McGettigan's coöperation in its dilemma. She gave an interesting account of General Vallejo's youth and education and told in detail of his courtship and marriage and of the military necessity that took him away from his young bride as soon as the ceremony had been performed. From this she passed rather rapidly over the years until he became established at Sonoma. Life there, with its duties, hospitalities and routine, was described with numerous details that visitors' descriptions have not revealed. A new item in the list of Vallejo's varied activities was what Mrs. McGettigan called the founding of the first country club in California. The site was near what is now Baltimore Park in Marin County. In the summer there were gathered there many of the families of the district for all of the amusements that outdoor life afforded. The paper closed with an affectionate tribute to General Vallejo's character and the qualities that have made him the outstanding figure that he is in the History of California. Señora Miguel Ruelas favored the Society with vocal selections composed and played by Mrs. McGettigan. There were forty-eight members and guests present.

The annual business meeting of the Society was held on Friday, January 24, 1930, at the Clift Hotel and the monthly luncheon meeting was combined with it. The speaker was Dr. Charles L. Camp and his subject, "Mormons in California." After describing briefly the origin and early growth of the Mormon church, Dr. Camp followed the various movements of the main body of Mormons until they began their final move to Salt Lake City. He then turned back to the group in New York City and Sam Brannan. He told of the voyage of the *Brooklyn*, of the activities of the immigrants during the campaigns in California under Frémont, and of Brannan's career as newspaper man and capitalist. He then turned to the Mormon Battalion and told the story of its organization and achievements and the contribution of its members to the early gold discoveries. He also told of the outpost established by Brigham Young at San Bernardino, and the effort to have it included in the State of Deseret. There were fifty-five members and guests present.

The Society held a luncheon meeting on Tuesday, February 25, 1930, at the Clift Hotel. It was addressed by Mr. George T. Clark, Librarian Emeritus of Stanford University, on "Some California Politics about 1860, with Reminiscences of Leland Stanford, Horace Greeley and Others." The speaker made the

political career of Leland Stanford the principal theme of his address. Stanford took an active part in organizing the Republican party in preparation for the Frémont campaign in 1856. In 1857 he was that party's candidate for the office of state treasurer. He was nominated for governor in 1859 and made an active campaign through the mining districts, for the most part speaking to hostile audiences. He spoke for Lincoln and worked for the success of the party. The following year he was elected governor. The arduous campaign was described in detail. Various sidelights on the affairs of the day were presented and the visit of Horace Greeley in 1859 was reviewed, while a number of citations from contemporary publications, chiefly newspapers, were read. There were about thirty-five members and guests present.

ANSON S. BLAKE.

ANNUAL MEETING

Previous to the address of Dr. Camp the election of Directors for the year 1930 took place, the incumbents being unanimously reëlected. The report of the Secretary and Treasurer was then read, and, together with that of the Publication Committee, is printed below.

REPORT OF THE SECRETARY AND TREASURER For the Year Ending December 31, 1929

Members January 1, 1929.....	361	
Elected 1929	38	
		399
Resigned	9	
Dropped for non-payment of dues.....	1	
Deaths	10	20
Total Membership December 31, 1929.....	379	Net Gain 18

Amendments to the By-Laws

Pursuant to the resolution adopted at the last annual meeting of the members, the President appointed a committee consisting of Mr. Hart H. North, Mr. Frederick C. Clift, and Hon. John F. Davis, to propose amendments to the By-Laws with reference to the nomination and election of Directors. At a meeting of the Board of Directors held on the 26th of November, 1929, the report of the Committee was submitted and the Directors adopted their recommendations, amending the By-Laws as follows:

ARTICLE III—After the sentence reading

"The Directors shall prepare ballots containing such names, which shall be sent by the Secretary to each of the members at least ten days before the election, as prescribed by Article XIV"

was inserted:

"Voting may be mail and/or otherwise as the Board of Directors may prescribe."

ARTICLE VIII—The last paragraph was amended to read as follows:

"Each patron member shall pay annual dues of One Hundred Dollars, from date of election."

Meetings

Six board meetings were held by the Directors during the year, and the Society held eleven luncheon meetings, the first of which included the annual business meeting. The luncheon meetings were as follows:

- Jan. 25—"Some Romantic Realities in the History of California," Mr. Robert E. Cowan.
- Feb. 26—"The Life of the Early Day Miners, 1849 and 1850," Mr. Anson S. Blake.
- Mar. 26—"Eden to Eldorado," Dr. Lucy Lockwood Hazard.
- April 30—"The History of Golden Gate Park," Miss Alice Eastwood.
- May 21—"Pioneers and Pioneer Native Sons of Marysville," Mr. Fred H. Greely.
- June 18—"Some Phases of California Literature," Brother Leo.
- Aug. 20—"The Redwood in the History of California and in the Future," Mr. Winfield Scott.
- Sept. 24—"The History of the Oil Industry in California," Prof. Edmond O'Neill.
- Oct. 22—"The California Journal of Archibald Menzies, Surgeon and Botanist on Vancouver's Voyage," Prof. W. L. Jepson.

Nov. 19—"Yerba Buena's Village Days," Mr. Douglas S. Watson.

Dec. 17—"Mariano Guadalupe Vallejo," Mrs. Charles D. McGettigan.

Exhibition

The Society held no exhibition of its own during the year 1929, but exhibited one case of material at the Book Fair of the San Francisco Branch, League of American Pen Women, held in the Museum in Golden Gate Park in February and March.

Gifts and Loans

For gifts and loans of books, pamphlets, pictures, manuscripts, maps, and other historical items, the Society is indebted to the following:

Mrs. Mary E. Ackley, Mr. Phil B. Bekeart, Dr. Marcus Benjamin, Mrs. Prentiss Bassett, Mr. and Mrs. Robert Dewey Bristol, Miss Mary Burt Brittan, California Academy of Sciences, California Genealogical Society, California State Historical Association, Miss H. Casebolt, Mr. Cyril Clemens, Mr. Robert E. Cowan, Mr. William Warren Ferrier, Mrs. Thomas E. Gibson, Great Northern Railway Co., Mr. Emanuel Hertz, Mrs. George G. Heye, Mr. John Howell, Mr. A. W. Huggins, Indiana Library and Historical Department, Mrs. Albert Jannapolis, Mrs. May Josephi Kincaid, Mr. William C. and Miss Elizabeth W. Latham, A. T. Leonard Jr., M.D., Mrs. Charles F. Lewis, Library of Congress, Mr. V. Covert Martin, Mrs. George W. Marston, Mr. Lewis A. McArthur, Miss Juanita Miller, Newberry Library, Pacific Library Binding Co., Mr. Frederick W. Payne, Miss Elizabeth Peck, Mrs. Charles S. Pillsbury, Powell & White, Mr. Milton S. Ray, Society of California Pioneers, Sons of the Revolution in the District of Columbia, Historical Society of Southern California, Col. George W. Stewart, Trinity Co. Free Library, Mr. D. Q. Troy, University of Colorado, University of Pennsylvania, Mr. Carl I. Wheat, Mrs. Charles Stetson Wheeler, Mrs. V. R. G. Wilbur, Mr. Ernest Wiltsee, Mr. Farwell Winston, Mrs. Marjorie T. Wolcott, Mrs. Samuel A. Wood, Miss Lottie G. Woods, Worcester Historical Society, Wyoming Department of History.

Mr. Templeton Crocker's collection of books, manuscripts, maps and pictures is continually at the service of the Society at its rooms.

Financial

The past year has not been quite as successful financially for the Society as 1928. Our income was practically as great, but our expenses were slightly greater, and instead of having more than four hundred dollars to apply for our December *Quarterly*, when the bill came in in January, 1930, we had only \$82.65. Mr. Templeton Crocker has continued to pay one-third of the Society's rental. Mr. Sidney M. Ehrman has advanced to the Publication Fund, as a loan, \$2020.00 toward the publication of Mr. Henry R. Wagner's "Spanish Voyages to the Northwest Coast of America in the Sixteenth Century," which has cost us to date, \$3306.11. The remainder of this sum was paid for out of the Publication Fund and out of sales for the book, the sales to the first of the year amounting to \$1100.70. There is still a small bill for binding to be paid. Our inventory of copies of "Spanish Voyages" should be adequate to pay Mr. Ehrman's loan and to reestablish ultimately our Publication Fund, but there will not be any appreciable profit in the publication.

The receipts and disbursements of the Society for the year were as follows:

Cash on hand, January 1, 1929.....		\$457.43
Receipts during 1929:		
Dues of patron members.....	\$1900.00	
Back dues of patron members.....	200.00	
Dues of active members.....	3340.00	
Back dues of active members.....	30.00	
Advance dues of active members.....	100.00	
Sale of Quarterlies.....	186.00	
Sale of pamphlets.....	113.14	
		\$5869.14
Sale of Special Publications:		
Clyman, De Massey, and Hollingsworth.....	\$159.30	
Spanish Voyages	1100.70	
		\$1260.00
Withdrawn from savings account of Publication Fund.....	795.96	
Contribution of Templeton Crocker toward rental.....	900.00	
		2955.96
Loan to Publication Fund from S. M. Ehrman.....		2020.00
		\$11,302.53

Disbursements:

Rental	\$2700.00	
Salary of Corresponding Secretary and substitute.....	1800.00	
Telephone	64.22	
Stationery and office supplies.....	109.59	
Luncheon meetings	158.40	
Exhibition	2.50	
Quarterly	2135.74	
Miscellaneous printing and mimeographing.....	29.00	
Binding Quarterlies	6.50	
Taxes	19.80	
Postage and Miscellaneous.....	119.85	
Deposited in savings account of Publication Fund.....	\$139.11	\$7145.60
Special Publications:		
Hollingsworth Journal (binding 156 copies		
and printing "jackets").....	\$ 93.86	
Spanish Voyages	3306.11	
	3399.97	
		3539.08
Amount due S. M. Ehrman from Publication Fund.....	\$ 535.20	
On hand December 31, 1929.....	82.65	
		617.85
		\$11,302.53

Respectfully submitted,

ANSON S. BLAKE,

Secretary and Treasurer.

REPORT OF THE PUBLICATION COMMITTEE

The Publication Committee reports the publication of the eighth volume of the Society's *Quarterly*, comprising 388 pages, 4 maps, and approximately 25 other illustrations. We have again been fortunate in securing a large amount of hitherto unpublished material. During the year 1929 the series entitled, "Spanish Voyages to the Northwest Coast in the Sixteenth Century," by Mr. Henry R. Wagner, was completed and the entire material which the Society has published under this title was issued in the form of a bound volume of 571 pages as "California Historical Society Special Publication No. 4." The reception and sale of these volumes has been extremely gratifying. As was stated in our previous report, this material constitutes an important, scholarly and permanent contribution to the history of the Pacific littoral.

During the year we completed the publication of the *Journal* of Thomas Kerr under the title of "An Irishman in the Gold Rush"; and Mr. Charles Franklin Carter's translation of the California portion of Dubaut-Cilly's narrative of his visit in 1827-28 was also published. In September the initial installment of the *Journals* of Charles E. De Long appeared, this being the first of a number of years of this eminent pioneer's journal which will be published serially in the *Quarterly*. A number of shorter articles of first historical importance were also printed during the year.

The Publication Committee solicits the members of the Society for suggestions and criticisms designed to render this publication entirely responsive to the wishes of the membership. We particularly urge any members who have in their possession diaries or reminiscences of importance to present them to the Committee for perusal and possible publication. Original contributions to western history are particularly desired.

We again wish to express the appreciation of our Committee for the continued assistance of the Society's Corresponding Secretary, Miss Dorothy Huggins.

Respectfully submitted,

CARL I. WHEAT, *Chairman.*

IN MEMORIAM

THOMAS BONA DOZIER

Thomas Bona Dozier, lawyer, who died in San Francisco, November 15, 1929, was born in Williamsburg county, South Carolina, March 12, 1866, son of Leonard Franklin Dozier and Agnes Barksdale (Bona) Dozier. He descended from Leonard Dozier, Virginia Huguenot stirps.

Brought to California, 1868, he resided in Rio Vista, 1868-70; Napa, 1870-84; San Francisco, 1884-88; Redding, 1888-1908; and San Francisco, 1908-29. During his residence in Redding and his last residence in San Francisco, he practiced law.

He was graduated from Oak Mound School, Napa, 1884; and took a LL.B degree from Hastings College of Law, 1888.

He was district attorney of Shasta County, 1897-1907; delegate to the Democratic national convention, 1896; and chairman of the Republican state convention, Santa Cruz, 1908. He was at first a Democrat, but changed his politics while in office, 1899-1903; and was reelected as a Republican.

He was defense counsel in the celebrated cases of *People vs. Abraham Ruef*, 1908-11, and *People vs. James Treadwell*, 1909-10; attorney for contestant in *Estate of Frederick William Sharon, Deceased*, 1917; and special prosecutor in *People vs. John H. Vail*, 1926. His forensic ability was well known, particularly in jury trials; and he had a reputation as an orator.

He was officer or counsel in the following companies: Fruit Growers Supply Company, 1909-29; Schaw-Batcher Company, 1909-29; California Fruit Exchange, 1909-29; Toyo Kisen Kaisha, 1917-26; and Southern Pacific Company, 1928-29.

Besides his membership in the California Historical Society, he was a member of the Sons of the American Revolution, the B. P. O. E., and the Masons (Knight Templar).

He married in San Francisco, April 22, 1889, Maud, daughter of William Campbell Watson and descendant of George Yount of Napa county, citizen of the United States early to settle north of San Francisco bay. They had: Sydney Franklin, deceased; Franklin Watson, engineer; Thomas Bona, attorney; Erwin Yount, real estate; and Dr. Paul Cothonneau, physician.

BOUTWELL DUNLAP.

MAURICE HARRIS NEWMARK

Maurice Harris Newmark, generally known simply as M. H. Newmark, died at Santa Monica, on July 5, 1929. He was a zealous member of this Society, and in his passing the cause of California history lost one of its valued exponents.

Mr. Newmark was born in Los Angeles on March 3, 1859, the son of Harris and Sarah Newmark. Educated in Los Angeles, New York City and Paris, he

began his active career with his father in the wholesale grocery business in 1876. The activities of Mr. Newmark in the mercantile world were noteworthy. Although his own business, M. A. Newmark & Company, of which, until his retirement on January 1, 1926, he was vice-president, was an extensive one, he nevertheless devoted much of his time and effort to civic and commercial organizations. From 1899 until 1912 he was president of the Associated Jobbers of Los Angeles. In 1905 he assumed the presidency of Southern California Wholesale Grocers' Association, which position he held continuously thereafter for twelve years. He was also president of The Harris Newmark Company, the Los Angeles Brick Company, and served at various times as director of the Farmers and Merchants National Bank, the Los Angeles Board of Trade, the Chamber of Commerce, and the Merchants and Manufacturers Association. From 1909 until 1911 he was a member of the Los Angeles Harbor Board.

Mr. Newmark inherited from his father a community sympathy with San Francisco, a sentiment emphasized by his marriage in the northern city to Miss Rose Newmark, on July 3, 1888. It was, therefore, but natural that he turn his unstinted efforts to the relief of San Francisco in 1906. He was, accordingly, made chairman of the Los Angeles Chamber of Commerce Supply Committee, organized at the time of the disaster, and by April 18 he had assembled and forwarded fourteen carloads of supplies by train and nine by water.

He was an active worker in the first Fiesta and was one of the incorporators of the Southwest Museum. He held membership in the Hispanic Society of California, Los Angeles County Pioneers, Southern California Historical Society, and numerous social organizations. The interests, however, which struck the most responsive chords in his nature were those tied up with historical and philatelic matters. As co-editor of his father's notable book, *Sixty Years in Southern California*, and of the *Census of Los Angeles City and County for the Year 1850*, which was issued shortly after his death, Mr. Newmark made permanent and highly valuable contributions to California history.

ARTHUR M. ELLIS.

ALBERT HENRY PAYSON

Albert Henry Payson, who died at San Mateo, California, January 26, 1930, was born at Salem, Massachusetts, December 1, 1847, the youngest of four children of Edward Holden Payson of Dorchester, Massachusetts, and his wife, Amelia Mellus. Two brothers of Amelia Mellus, Henry and Francis, were well known in early California. Henry came to the coast in the brig *Pilgrim* in 1835, one of his companions on the voyage being Richard Henry Dana, author of *Two Years before the Mast*. Francis Mellus arrived in 1839, lived for a time at Santa Barbara, and later settled in Los Angeles, where his brother was Mayor in 1860.

After attending the public schools in Salem, young Payson was appointed to the United States Military Academy at West Point in 1864, his appointment being signed by Edwin M. Stanton, Secretary of War under President Lincoln.

He graduated first in the West Point class of 1868, although the youngest, and was commissioned Second Lieutenant in the Corps of Engineers; became First Lieutenant in 1870 and was raised to the rank of Captain in 1882; and for a time was instructor at the Military Academy at West Point. In 1877, while a First Lieutenant, he was ordered to San Francisco and attached to the Light House and Rivers and Harbour Department, then in charge of Colonel Mendel, whom Captain Payson later succeeded. While Captain Payson was in charge, two of the most important light and fog signal stations, Point Sur and St. George Reef, were constructed.

Captain Payson resigned from the Army in 1887, became a director in the Spring Valley Water Works in that year, and was vice president from 1895 to 1906, and from 1906 to 1908 was president. When William B. Bourn became president of the company in 1908, Captain Payson resumed the office of vice president and held the same to his death; he was also a director in the San Francisco Gas & Electric Co. In 1906 he became a director of the Union Trust Company and so remained until its consolidation with the Wells Fargo Nevada National Bank, whereupon he became a director of Wells Fargo Bank & Union Trust Co. and so remained to his death.

He was the last survivor of the first board of directors of the San Francisco & San Joaquin Valley Railway elected in February, 1895. Soon after the organization of that company he became second vice president and W. B. Story became chief engineer.

In June, 1901, the Atchison, Topeka & Santa Fe Railway Company took over the valley road, whereupon Captain Payson became assistant to President Edward Payson Ripley at San Francisco and continued in that position under the presidency of W. B. Story until death ended an association of thirty-five years with Mr. Story.

In 1884, Captain Payson married Miss Abby Josephine Parrott, second daughter of Mr. and Mrs. John Parrott of San Mateo, California. Captain Payson's daughter and son died in early youth, and his wife died March 12, 1921. He resided in San Mateo from his marriage to his death; and was the first mayor of that town after its incorporation.

He was a member of the General Society of Colonial Wars, the California Society, Sons of the American Revolution, and the Pacific Union Club (San Francisco).

JOSEPH A. DONOHUE.

EDITOR'S NOTE: Notice has also been received of the death of the following members of the Society: Mr. Charles N. de Forest, of New York, on December 19, 1929; Mr. Madison Ralph Jones, of Oakland, on December 11, 1929; Mr. George Almer Newhall, of San Francisco, on December 22, 1929; and Mr. John I. Walter, of San Francisco, on March 5, 1930. Further notice of certain of these persons will be printed in a future issue of this *Quarterly*.